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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.1534/93

Date of Decision: 10.9.93

Smt. Kamla Devi & Ors. Applicants

Versus

Union of India

Respondents

Shri K.L. Bhatia

Counsel for the applicant

Shri P.P. Khurana

Counsel for the respondents

JUDGEMENT

(delivered by Hon.Member(J) Shri C.J. ROY)

This case has been filed under Section 19 of the Administrative Tribunal's Act, 1985 by Smt. Kamla Devi widow of the deceased employee Kishori Lal, applicant No.1 and Shri Suraj Prakash s/o of the above deceased employee, applicant No.2. Shri Kishori Lal died in harness on 19.9.91. The deceased left behind 5 persons, amongst whom, applicant No.2 is unemployed. It is also stated that on 12.2.92, the applicant No.1 made a representation to the respondents to provide employment for applicant No.2 in the group 'D' post as per the rules on compassionate ground. It is claimed that the application was under consideration and a damage rent for the quarter was also raised. She made a representation on 17.6.92 praying that she may be allowed to retain the quarter until the appointment of her son on compassionate ground is given. Since there was no response, the applicants herein filed a case vide OA 1972/92, which was decided vide order dated 31.7.92 with a direction to the respondents to dispose of the representation of the applicants and she will not be dispossessed of the Government accommodation.

2. In compliance of this Tribunal's order, the respondents decided the case of the applicants for compassionate appointment and rejected the prayer made vide representation dated 12.2.92.

3. The applicant filed another DA 3080/92 seeking fresh relief in view of the rejection of the representation with a non-speaking order as there is no ground or valid reason to deny the compassionate appointment to applicant No.2 and allotment of quarter. The respondents opposed this application on the ground that the applicant No.2 is not eligible for compassionate appointment but relevant rule according to which he is not eligible was not quoted in the counter. This applicant No.1 appeared in person at that time and submitted that since the respondents have rejected the prayer for compassionate appointment of her son (applicant No.2), she should be considered for appointment. The Tribunal decided the case on 28.4.93 directing the applicant to file a representation before the respondents who will consider her case in accordance with law. Till her representation is disposed of by the respondents, interim order to the effect that she should not be dispossessed from the Government quarter was granted. Subsequently her application was also considered and rejected by the respondents vide order dated 26.6.93.

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4. Now she has come before the Tribunal with an alternative, for revival of the original prayer that her son Shri Suraj Prakash, who is eligible in all respect may be appointed on compassionate grounds.

5. The respondents in their counter affidavit referred me to the judgement in OA.1972/92 which was delivered on 31.7.92 in which a reference was made to the effect that six months period had not yet expired as envisaged under Section-20 of the Administrative Tribunal's act, 1985, therefore, the application was held to be premature.

6. The representation of the applicant No.1 dated 12.2.92 regarding appointment of applicant No.2 was examined sympathetically but he could be not offered job in accordance with rules. The applicant came before the Tribunal vide OA 3080/92 seeking appointment Shri Suraj Prakash, applicant No.2. The request of the applicant No.1 was considered by this Tribunal but was not acceded to, because the said applicant No.2 was not dependant on the deceased. Accordingly he was not eligible for appointment on compassionate grounds (Annexure A-5). There was no further direction to the respondents to consider applicant No.2 for appointment. The request of the applicant Smt Kamla Devi was considered and rejected due to her furnishing of incorrect age by order dated 26.6.93 (Annexure-C). Hence the case may be dismissed.

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7. I have heard the learned counsel for both parties and perused the documents placed on record.

8. It is a matter of fact that the applicant No.2 Shri Suraj Prakash was neither a dependent of the deceased nor living with the present applicant No.1, Kamla Devi. His name is also not found in the ration card as per the judgement in OA 3080/92. His case was considered and dismissed, as applicant No.1 agreed that the petition may be treated as an amendment to claim compassionate appointment for herself but not for applicant No.2.

9. In view of the above facts and circumstances of the case, the applicant is not entitled to the relief prayed for in this OA. The applicant cannot raise the same matter again and again before this Tribunal. It is hit by the doctrine of resjudicata. After the rejection of applicant No.2 is accepted by her and prayer for amendment of OA is allowed, her case was directed to be considered by the respondents, which was also rejected on the ground of wrong date of birth. The applicant has not made out a case in any corner.

10. Therefore, the case is dismissed as devoid of merit. No costs. The interim order already passed is hereby vacated.

[Signature]
(C.J. RDY)
MEMBER (J)