

Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.1972/1993

M.P.2869/1993

New Delhi, This the 28th Day of February 1994

Shri Justice S.K. Dhaen, Vice Chairman(J)

Shri P.T. Thiruvengadam, Member(A)

1. Smt Birma Devi Wd/of Late Shri Lakh Ram
2. Omvati Devi D/D Late Shri Lakh Ram

R/O Quarter No.G-387, Srinivasapuri
New Delhi - 65.

.....Applicants

By Advocate Shri V.P. Sharma

Versus

1. Union of India Through the Secretary
Ministry of Home Affairs, Govt of India
New Delhi.
2. The Director
Hindi Teaching Scheme
Rastra Bhasa Dept, Ministry of Home Affairs,
CGO Complex, Lodhi Road, New Delhi.
3. The Deputy Director(North)
Hindi Teaching Scheme
Mayaer Bhavan, New Delhi.
4. The Estate Officer
Director of Estate, Govt of India
Nirman Bhavan, New Delhi.

.....Respondents

By Advocate Smt Raj Kumari Chopra

O R D E R(Oral)

Shri Justice S.K. Dhaen, Vice Chairman(J)

1. One Shri Lakh Ram, Upper Division Clerk died in harness.

Applicant No.1 Smt Birma Devi is his widow and applicant No.2
Kumari Omvati Devi is one of the daughters of late Shri Lakh
Ram. The applicants are aggrieved by the communication
dated 29.10.93 by the Deputy Director concerned that the
applicant No.2 is not entitled to be given a suitable
employment on compassionate grounds.

2. A counter affidavit has been filed on behalf of the
respondents. In it, material averments are these. The son
of the applicant No.1 is already employed in Group 'D'.
The family has agricultural land to support it. The
applicant No.1 has received substantial amount towards

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family pension etc. The deceased Govt servant did not leave his family in indigent circumstances. To the reply, a copy of the communication dated 3.10.91 by the Deputy Director to Director is annexed. Perusal of the said document indicates that the Deputy Director visited the village of the applicants and discovered that the family of the deceased possessed 3 acres of land. This land, according to the report, is fertile and has got irrigation facilities. The report concluded that the family is not suffering from any financial crises.

3. The impugned order does not record any reason. It merely states that it has not been found feasible to give a compassionate appointment to applicant No.2. The impugned order has to be interpreted in its own light. It can neither be complimented nor supplemented by evidence aliunde. The order is not sustainable.

4. The Director shall pass a fresh order after taking into consideration the case of the applicant. He shall give an opportunity to the applicant No.1 to meet the contents of the said report of the Deputy Director, if he intends to rely upon the same. He shall record reasons in support of his order, if he declines to accept the request of applicant No.2 to give her an appropriate appointment on compassionate grounds. He shall complete this exercise within a period of six weeks from the receipt of a certified copy of this order. He should communicate his decision to applicant No.1 within a period of 10 days of passing his order.

5. It appears that on 6.9.93 the applicant made a representation to the Secretary concerned. This representation has not been rejected so far. Therefore,

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bar of limitation will not come in the way of the applicant.

6. The applicant shall have the liberty to make a fresh representation to the Director.

7. With these directions, this application is disposed of finally. There shall be no order as to costs.

P. J. Thiruvengadam
(P.T. THIRUVENGADAM)
Member (A)

S.K. Dhaon
(S.K. DHAON)
Vice Chairman (J)

LCP