

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 19th day of January 2001.

Original Application no. 1286 of 1998.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Smt. Chhaya Joshi,
W/o late P.C. Joshi,
R/o 77/4 A-1 Gandhi Gram Kanpur Nagar.

... Applicant

C/A Shri K.C. Shukla

Versus

1. Union of India Secretary Ministry of Defence
Government of India.
2. The Chief of Air Staff, Air Head Quarter Vayu
Bhawan New Delhi.
3. Air Officer Commanding in Chief, Head Quarter
Maintenance Commands, Indian Air Force Nagpur.
4. Air Officer Commanding, 402, Air Force Station
Chakeri Kanpur -8.

... Respondents

C/Rs Shri J.N. Sharma

O R D E R(Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

Smt. Chhaya Joshi, Widow of late Shri P.C. Joshi
has filed this OA with the prayer that the order dated
2.9.97 and 23.4.98, copies of which have been annexed

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as annexure A-1 and A-2 be quashed and direct the respondents to treat the applicant in service on the post of Lower Division Clerk from the month of March 1997 and pay the entire salary and other benefits admissible to the post alongwith 18% interest. Annexure 1 dated 2.9.97 mentions that her case for compassionate appointment has been kept in abeyance as advised by higher authorities till their further orders. Annexure 2 dated 23.2.98 is letter addressed to the applicant with the mention that her appointment as L.D.C. has been kept in abeyance as per instructions from ~~mf~~ their Head Quarters. It has also been mentioned that representation on this issue is not likely to bring any relief and she was advised to cooperate with the local civil police for finalisation of her case.

2. Briefly stated the facts of the case are that the husband of the applicant died in harness while he was in service of the respondents in the year 1996. The applicant being in distress on the death of bread earner applied for appointment on compassionate ground in January 1997. The applicant mentions that the matter was processed and reached to a stage when the respondents took a decision to appoint her on compassionate ^{as} ground. But that could not be given effect/misfortune Knocked on her and the respondents establishment got the information that the applicant is involved in some case under section 406 and 420 of I.P.C. registered at P.S. Chekari, Kanpur Nagar and, therefore, her matter was kept in abeyance. The applicant has vehemently denied this and has also filed police report as annexure 16 in which there is mention that no criminal case has

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been registered against the applicant at that P.S., but it could not convenience the respondents to provide appointment to the applicant. Therefore, she has come up before the Tribunal for direction in this regard.

3. The respondents have filed the CA with the mention that the case of the applicant has been kept in abeyance and not finally decided so far. It has also been mentioned that the appointment of the applicant ~~has been by~~ ^{shall be} approved competent authority, however, the same was made subject to fulfilment ^{of} the prescribed eligibility conditions as per order. It has been mentioned that the applicant is co-accused with one Shri Dharmendra, who was ~~also~~ a Air Force Gas Agency employee, in a case of alleged mis-appropriation of 262 L.P.G. cylinders and, therefore, she was found not fulfilling the prescribed condition. It has also been specified that at no point of time the appointment of the applicant was cleared by respondent no. 4.

4. Heard learned counsel for the rival contesting parties and perused the record.

5. In this matter the only controversy rest on the point, if the applicant was involved in a cheating and mis appropriation case, which debars her from being considered for appointment on compassionate ground, as pleaded from the side of the respondents or the facts is otherwise and the applicant had never been involved in any such criminal case.

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6. There is a simple mention in the pleadings from the side of the respondents that a case under section 406 and 420 of I.P.C. has been registered against the applicant, but no documents ^{have} ~~has~~ been filed in support thereon, which could be a police report or F.I.R., where as the applicant has filed annexure 16 which is report by incharge P.S. Chekari, Kanpur Nagar mentioning therein that no criminal case has been registered or ^{is} pending against the applicant.

7. With the above position, in view I find it expedient to dispose of the case with the direction that in case applicant moves a fresh representation with proper and specific mention regarding her alleged envolvement in the said criminal case, The same be decided by competent authority in the respondents establishment within 4 months from the date of ^{in case the claim of applicant is not acceded} communication of this order by the applicant and to pass reasoned, detail and speaking order. The O.A. is decided accordingly.

8. No order as to costs.

S. C. Nag
Member-J

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