

(3)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1270 OF 2005

ALLAHABAD, THIS THE 28th DAY OF OCTOBER, 2005

HON'BLE MR. S.C. CHAUBE, MEMBER-A

Smt. Vandana Devi W/o late Chandra Shekhar, R/o
House No.5, Ponnapa Road, District Allahabad.

.....Applicant.

(By Advocate: Shri S.K. Tyagi/Sri A.K Ojha)

Versus.

1. Union of India through its Secretary, Custom and Central Excise, North Block, New Delhi.
2. The Chairman, Custom and Central Excise, North Block, New Delhi.
3. Assistant Commissioner, Custom and Central Excise, 60-B, Parag Narain Road, Lucknow.
4. Chief Commissioner, Custom and Central Excise, Vidhan Sabha Marg, Uttar Pradesh, Lucknow.

.....Respondents.

ORDER

This O.A. has been filed seeking direction to the respondents to consider the case of the applicant for appointment on compassionate ground under dying in harness Rules in place of her husband late Chandra Shaker, who died during the period of his services. A direction has also been sought for the respondents to consider the representation dated 9.6.2003 (Annexure No.1) pending before the respondents.


2. According to the applicant, she is legally wedded wife of late Shri Chandra Shaker, who was working as driver in the Custom and Central Excise Department and was permanent employee. On 23.11.2002, the husband of the applicant met with an

accident and died during the treatment in the hospital. Besides the applicant, two children aged 7 years and 5 years were left behind by her husband. The applicant claims that she is High School passed and capable to perform the duties in the department ^{with} ~~to~~ her qualification. She is also having no other sources of income neither she has ancestral property of her late husband. She has made several representations before the respondents on 3.4.2004, 10.11.2004, 22.3.2005 and 31.5.2005 seeking appointment on compassionate ground.

3. I have heard counsel for the parties and perused the pleadings. In my considered view, a direction should be issued to the respondent No.3 to consider and decide the representation filed by the applicant on 9.6.2003 (Annexure No.1) as per law within a stipulated period and pass a detailed and reasoned order under intimation to the applicant.

4. Accordingly, respondent NO.3 is directed to decide the representation of the applicant ^{dt.} ~~on~~ 9.6.2003 (Annexure No.1) from the date of filing of a copy of this order within a period of three months as per law and pass a detailed, reasoned and speaking order under intimation to the applicant. ^{Liberty} is also granted to the applicant to file a fresh representation, if so advised.

5. With the aforesaid observations, ^{Sub} the O.A. is disposed of at the admission stage itself with no order as to costs.


Member-A

Manish/-