

(3)

OPEN COURT.  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

Original Application No.716 of 2005.

ALLAHABAD THIS THE 07<sup>th</sup> DAY OF July 2005.

Hon'ble Mr.A.K. Bhatnagar, Member~J.

Smt. Radha Devi  
Widow of late Sri Mauji Lal  
R/o New Shastri Nagar (Fafund Road)  
Babarpur, Auraiya.

.....Applicant.

(By Advocate : Sri D.K. Pandey)

Versus.

1. Union of India  
Through Director Intelligence  
Bureau (MHA), New Delhi.
2. Union of India  
Through Additional Deputy Director  
Subsiding Intelligence Bureau,  
Ministry of Home 58A Saket, Meerut.
3. Joint Assistant Director/Assistant Intelligence, Director,  
Subsiding Intelligence Bureau Office at Aligarh, U.P.

.....Respondents.

(By Advocate : Sri A Dwivedi)

ORDER

By this O.A., the applicant has prayed for quashing the impugned order dated 06.08.2004 being arbitrary and illegal with a direction to respondents to consider the case of applicant afresh for making appointment on compassionate grounds

giving opportunity to the applicant to present her case in person.

2. According to the applicant, her husband late Mauji Lal was working as a permanent employee as Junior Intelligence Officer under the Assistant Intelligence Nideshak Bureau Office of Aligarh U.P. He expired on 06.10.2000 leaving behind his widow Smt. Radha Devi, the applicant, and two minor children. He died during his service. The applicant applied for compassionate appointment after the death of her husband vide application dated 20.12.2000 (Annexure A-IV). The applicant is 8<sup>th</sup> class pass and belongs to Scheduled Caste Community (School Leaving Certificate is filed as Annexure A-V). Thereafter, she sent other applications dated 02.01.2001 and 5.10.2001 for compassionate appointment (Annexure A-VI). To avoid any further controversy, in this matter the applicant filed a Succession Certificate duly issued by Civil Judge (Senior Division), Auraiya filed as Annexure A-VII showing the name of the applicant as widow of deceased late Mauji Lal dated 11.03.2003. The applicant was allowed to receive all the service benefits of deceased employee and further respondent NO.2 furnished proforma for compassionate appointment to the applicant vide letter dated 06.05.2003 which was filled up and submitted by the applicant on 7.5.2003 (Annexure A VIII). Since than the applicant is said to have been running pillar to post but no suitable reply was received by her. Ultimately by impugned letter dated 6.8.2004, the applicant was informed that her case could not be considered on the ground that since the case of the applicant is three years old so the prayer of the applicant cannot be accepted. Thereafter, the applicant filed a representation through proper channel to the Director Intelligence Bureau, (MHA) Govt. of India, New Delhi

on 01.09.2004 which as per the applicant is under consideration and has not been decided so far.

3. Learned counsel for the applicant pressing the grounds stated in para 5 of the O.A., submitted that the impugned order dated 06.08.2004 has been passed without assigning any reason for not accepting the claim of the applicant for compassionate appointment moreso it has been passed without any fault on the part of the applicant. As applicant moved an application for compassionate appointment within time so order passed by the respondents is not tenable.

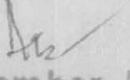
4. On the other hand, learned counsel for the respondents prayed time for filing counter affidavit which I do not consider necessary as this case can be decided at the admission stage itself by issuing a direction to the respondent NO.1 to reconsider the matter by way of deciding the representation dated 01.09.2004 (Annexure A-IX) so filed by the applicant by a reasoned and speaking order within a stipulated period. From the perusal of the impugned order, it is apparent that this order has been passed without assigning any reasons for not accepting the claim of the applicant. The applicant is certainly not in any way responsible for delay caused in rejecting the claim of the applicant by impugned letter dated 6.8.2004 in which a reference of the representations filed by applicant dated 5.10.2001 and 01.04.2003 <sup>had</sup> have also been made in para 1 of the letter, therefore, it deserves to be quashed outright.

5. Under the facts and circumstances of the case and in the interest of justice, I deem it proper to quash and set aside the order dated 6.8.2004 and remit the case back to the Competent Authority/respondent No.1 for reconsideration of the matter of the applicant in accordance with Rules. Accordingly,

respondent No.1 is directed to reconsider and decide the representation dated 01.09.2004 (Annexure A-IX) so filed by the applicant by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. For just decision in this matter, this O.A. may be considered <sup>as</sup> ~~at~~ the part of the representation.

6. With the above direction, the O.A. is disposed of.

No costs.

  
Member-J

Manish/-