

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

O.A.No. 1632/92

Smt. Sushila Devi.....

.....Applicant

Versus

Union of India and others.

.....Respondents

By Hon'ble Mr. Maharaj Din. J.M.

The widow of the deceased employee preferred this application under section 19 of the Administrative Tribunal Act 1985 for her compassionate appointment.

2. The relevant facts giving rise to this application are that late Shashi Kumar who was a lineman died on 4.9.1988 while working on duty. After the death of Shashi Kumar the applicant who is widow moved an application for being appointed on a suitable post on compassionate ground. It stated that she has no source of income and there are three persons in her family to be supported by her. The applicant is VIII class pass and claims to be qualified to be appointed on compassionate ground. The applications of the applicant dated 17.6.89, 16.10.90, 2.6.1991 (Annexure-A2), (Annexure-A3) and (Annexure-A4) are still pending for disposal.

3. The respondents filed counter reply and resisted the claim of the applicant on the ground that the petitioner was paid the compensation on account of death of Shashi Kumar and she does not deserve to be given appointment on compassionate ground.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. The respondents in their reply have

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said that the applicant was a daily ^{at} ~~raited~~ labour as such his widow is not entitled to get compassionate appointment. It is further said that the applicant filed petition under the Workman Compensation Act before the Workman Compensation Commissioner, Agra and she was awarded Rs. 71662.72 P. as a compensation amount.

6. The applicant has stated that there is no earning member in her family and three persons of her family are dependent on her. Merely that she has been awarded compensation on account of death of her husband it does not disentitle her to get appointment on compassionate ground because how long she and her family will keep on depending on the amount of compensation.

7. Admittedly late Shashi Kumar was appointed as a daily wages labour on 1.4.1982 and he continued to work as a line man till 4.9.1988 so he acquired temporary status. The respondents have not disputed that Shashi Kumar while working on telephone pole at P.S. Atmadala in village Nunihai got electric shock and he fell down. As a result his back bone was broken and he was admitted to S.N. Hospital, Agra and he died in the hospital on 4.9.1988. It is strange to note that soon after the death of her husband the applicant moved application for being appointed on a suitable post on compassionate ground but his request remained unheard. The condition of the family of the applicant after the death of her husband is indigent and distressed and she needed immediate assistance. The applicant rightly relied on the pronouncement of Hon'ble Supreme Court in a case reported in A.I.R. 1989 (Supreme Court) 1976 Smt. Sushma Gosain and others Vs. Union of India and

others in which it had been held:

" We considered that it must be stated unequivocal that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for years. If there is no suitable post for appointment supernumerary post should be created to accommodate the applicant."

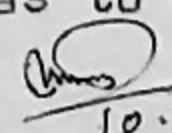
8. Thus keeping in view the facts and circumstances of the case I allow the application with the direction to the respondents that the applicants be appointed on a suitable post on compassionate ground within a period of 3 months from the date of communication of this order.

9. There will be no order as to costs.

Dated: Allahabad

10th Feb., 1993

(AR)


10.2.93
J.M.

O.A. NO. 1632 OF 1992.

27/11/1992

Hon'ble Mr. Maharaj Din, J.M.

Issue notice to the respondents to show cause as to why the application may not be admitted. Let counter reply be filed within four weeks hereafter. Rejoinder, if any, may be filed within two weeks thereafter. List this case on 20.1.93 for admission, before Single Member Bench.

/am/

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J.M.

20/1/93

Hon'ble Mr. A.K. Sinha, J.M.

The learned counsel for the applicant Sri V.N. Agrawal appears and prays that this case ~~is~~^{relates} to appointment on compassionate ground, and hearing of the case should be expedited.

It appears that notices were issued to the respondents to show-cause, why this application may not be admitted. It appears from the office note that notices were sent in registered cover on 22.12.92.

Put up on 28.1.93 for admission.

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J.M.

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19/1/93

OR
File received from today on 17/12/92
12/12/92

OR
with
In compliance Hon'ble Court orders dt 27/11/92 archive issued to me all Respondent. by Registered Post. dt 21/12/92 with copy of Petition ~~to~~ vide despatch. No 7617 or either. Undelivered cover also. Reply has been ~~filed~~ ^{filed} so Resolved so far.

DA 1632/92

28.1.93

Hon. Mr. Maharaaj Den, J.M.

~~Arg~~ Heard both the parties
counsel. Judgment reserved.

^M
J.M.

10.2.93

Judgment pronounced
in chamber

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