CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

Allahabad the 19th July, 1995

Original Application No. 1320 of 1993

Smt. Lado widow of late Sri Vijai,
resident of Mohalla Gari Khana,
District Lalitpur(U.P).............. applicant.

(By Advocates Shri Anil Kumar Srivastava &
            Shri S. K. Srivastava)

            Versus

1. Union of India through its Secretary Defence,
   New Delhi.

2. Commandant/Personnel Officer(Civilians)
   Central Ordinance Depot Agra.

            .... Respondents.
   (By Advocate Shri Ashok Mohiley)

(BY HON'BLE MR. S. DAYAL, Admn. Member)

1.   This is an application under Section 19
of the Administrative Tribunals Act, 1985. The
application has been made with a view to seek
relief of direction to the respondents to give
employment to the applicant in place of her
deceased husband who was working as Safaiwala
Karmchari.

2.   The grounds of seeking this relief
are that the applicant is legally entitled to

get employment in place of her deceased husband under the Dying in Harness Rules. It is mentioned that the District Magistrate, Lalitpur had sent his recommendation to the respondents to this effect.

3.   The facts as stated in the application are that Sri Vijai, husband of applicant died on 22.1.1992 while in service. The applicant made an application for employment in place of her husband under the Dying in Harness Rules and followed it with a reminder. The respondents informed the applicant on 20.7.1992 that the case of the applicant for compassionate appointment is under consideration of the Board. On a subsequent reminder of the applicant dated 30.10.1992 , whe was informed by the respondents on 7.11.1992 that the case was still under consideration and comments are called for from the District Magistrate, Lalitpur for being put up before the Board. Another reminder from the applicant dated 13.2.1993 is still sent and a reply from the respondents was given on 22.2.1993 that the comments from District Magistrate, Lalitpur were awaited. The applicant approached the District Magistrate, Lalitpur who informed that comments had already been sent and the applicant was forwarded with another copy of the comments.

4.   Annexure-7 to the Original Application is the recommendation received from the District Magistrate, Lalitpur. This recommendation shows that the applicant Smt. Lado was living with her mother and was

supporting four sons and two daughters
aged about 2 years to 14 years out of Rs. 850/-
which was given to her by way of pension.

5.   The respondents in their reply have
stated that the case of the applicant was put
before the Board of Officers in July, 1992
and the applicant's case was not recommended
for employment because of more deserving cases
of the limited number of vacancies available. The
applicant was informed vide letter dated 7th Sept.
1992. It is stated that the case of the applicant for
the post of Mazdoor by way of second chance was under
consideration against four additional vacancies
allotted by the Army Headquarters.

6.   The applicant in her rejoinder affidavit
has reiterated the grounds already made in the
original application. S hri S. K. Srivastava proxy
counsel for Shri Anil Kumar Srivastava had been heard
on behalf of the applicant. He argued that rejection
on ground of availability of more deserving cases
was not proper. He stated that the respondents should
have offered suitable post to the applicant on
supernumarary post as was done in case of
Ms. Sushma Gosai. Shri Ashok Mohiley, counsel for the
respondents drew attention to the case of Asha
Ramchandra Ambedkar reported in 1984 Supreme Court
Cases(L & S) . He mentioned that the employment of
the applicant as Mazdoor was under consideration.

7.   Since in this particular case we have been assured
on behalf of the respondents that the case of the applicant
is under consideration, the application is disposed of
with the direction that the respondents may consider
the matter, take a decision and give a detailed reasoned
reply to the applicant within three months.

       There shall be no order as to costs.

A.M.