

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 31st day of May 2001.

Original Application no. 122 of 2000.

Hon'ble Mr. SKI Nagvi, Judicial Member.

Smt. Asha Rami, widow of Late Shri S. C. Srivastava,
R/o 15-C, Bank Road,
ALLAHABAD.

... Applicant

c/A Shri K.C. Sinha

Versus

1. Union of India through Secretary/Director General of Works, CENTRAL PUBLIC WORKS DEPARTMENT, Nirman Bhawan, NEW DELHI.
2. The Chief Engineer (NDZ) III, Central Public Works Department, Sewa Bhawan, R.K. Puram, NEW DELHI.
3. Superintending Engineer, (P&A) NDZ III CPWD, Sewa Bhawan, RK Puram, NEW DELHI.
4. Superintending Engineer, Coordination Circle (Civil) CPWD, I.P. Bhawan, New Delhi.
5. Executive Engineer, Construction Division IV, CPWD, Pusa, NEW DELHI.

... Respondents

C/Rs Shri S. Chaturvedi, Shri S. Mandhyan

SAC

...2/-

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O R D E R (Oral).

Hon'ble Mr. SKI Naqvi, Member-J.

The applicant, Smt. Asha Rani, has filed this OA under section 19 of the Administrative Tribunals Act, 1985, seeking relief to the effect that the respondents be directed to give compassionate appointment to the petitioner as LDC in pursuance of the letter dated 17.08.1998 issued by respondent no. 3.

2. As per applicant's case her husband, late Shri Satish Chandra Srivastava, died in harness on 17.05.1998 while he was working as Junior Engineer in the respondents establishment leaving behind him, his widow (applicant), a minor son and a daughter. On the death of sole bread earner, the family come to indigent condition and, therefore, the applicant moved for appointment on compassionate ground. This application was forwarded to decision taking authority by respondent no. 3 and her case was recommended for appointment on the post of Lower Division Clerk. Vide letter dated 17.8.1998, Superintending Engineer (P&A) communicated to Superindenting Enginner (Coordination) that in accordance with instructions issued by Department of Personnel and Training, the appointment of Smt. Asha Rani as Lower Division Clerk in the department on compassionate ground with normal relaxation under *it has been approved in rule* with the condition that Smt. Asha Rani, clears

✓ R.W.

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typing test either in Hindi or in English within 2 years from the date of appointment as Lower Division Clerk and the addressee of this letter was requested to issue appointment letter accordingly. It was vide letter dated 21.10.1998 (Annexure A-5), /h/t Smt. Asha Rani was informed that her name has been registered at sl. no. 63 of the list of which first eighteen candidates have already been issued offer of appointment, but the letter dated 29.10.1998, copy of which has been annexed as annexure A-6, turned the table against the applicant, through which it has been communicated that because of some dispute regarding divorce, the matter of compassionate appointment was to be kept in abeyance till that dispute is settled. At present, there is no dispute regarding his matrimonial status, and the divorce decree has already been set aside and, therefore, her claim for compassionate appointment should be considered favourably.

3. The respondents have contested the case and filed counter affidavit. Genuineness and existence of annexures to the OA has not been disputed and it has been mentioned that the case of the applicant is under consideration.

4. Heard Shri A. Srivastava learned counsel for the applicant and Shri Satish Mandhyan learned counsel for the respondents and perused the records.

JKL

....4/-

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5. It is a case in which the dispute is in a very narrow campus. The applicant has a case that when a dicision was taken and the matter was at the stage of issue of appointment letter, she should not be kept in waiting list and be provided the appointment on compassionate ground immediately. Whereas the respondents assert that she will be considered at her turn ~~and~~, there by the title ~~entitlement~~ of the applicant's ^{for} appointment as such is ^{now} not in dispute, ~~at present~~.

6. For the above, the OA is decided with the observation that the respondents shall take care that the relief sought for be provided at the earliest in accordance with her position in the list and a care be taken that she is not ignored when her turn comes.

7. No order as to costs.

Salmagi

Member-J

/pc/