

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1596 OF 2003

ALLAHABAD, THIS THE 28TH DAY OF JANUARY, 2004
HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Sunita Kumari
d/o Late Mool Chand Choudhury,
207/379 Bahadurganj, Lakhpat Rai Lane,
Allahabad.

.....Applicant

(By Advocate : Col. Ashok Kumar)

V E R S U S

1. Union of India through Secretary,
Ministry of Defence, D.H.Q. P.O.,
New Delhi-110 011.
2. Chief of the Army Staff
through Engineer-in-chief,
Army Headquarter, Kashmir House,
D.H.Q. P.O., New Delhi-110 011.
3. Chief Engineer,
Central Command through
Chief Engineer (Air Force),
Bamrauli P.O. Bamrauli,
Allahabad.

.....Respondents

(By Advocate : Shri R.C. Joshi)

O R D E R

By this Original Application, applicant has sought the following reliefs :-

- (i) to issue a writ, order or direction commanding the respondents to decide the detailed representation of the applicant/petitioner dated 30th June 2002 (Annexure-2) with this original application by a reasoned order within time frame to be fixed by this Hon'ble Tribunal preferably within two months.
- (ii) To issue a writ order or direction in the nature of mandamus of certiorari summoning the records of the impugned denial of harness clause appointment

and quash the same with all the consequential benefits to the Applicant/Petitioner.

(iii) To issue any other writ, order or direction considered expedient and in the interest of justice and equity.

(iv) Award cost of the petition to the petitioner."

2. Grievance of the applicant in this case is that as back as ~~On~~ 30.09.1998 applicant was informed that she cannot ^{be} given any compassionate appointment for want of vacancy of L.D.C. ¹⁸ ~~Headquarter~~ She was further asked to intimate whether she wanted to keep ^{ing} her name in the waiting list till next screening Board. ¹⁸ She was also informed that her name was placed in the ~~graduation~~ ^{Waiting} list of the Headquarter, Central Command, Lucknow (Pg.13). Thereafter, vide letter dated 25.06.2002 she has once again been informed that as per the Board's Proceedings, she is not likely to be appointed within one year as the vacancies are not available. It is submitted by the applicant's counsel that till date respondents have not rejected the case of applicant and if the vacancies ^{were} ~~was~~ not available in the year 2002, she ^{been 18} ought to have ^{been} ~~considered~~ for the same in the year 2003. He has further submitted that applicant has already given a detailed representation addressed to the Hon'ble Raksha Mantri on 30.06.2003(Pg.14) but the same has not been decided till date. Therefore, a direction ^{to} be given to the respondents to decide the said representation.

3. Counsel for the respondents was seeking time to file reply. However, I do not think it necessary to call for a reply at this stage because letters given by the respondents do not show that the case of the applicant has been rejected. They have merely informed the applicant that due to want of vacancy it will not be possible to appoint her in the year 2002. If respondents have already considered the case of the applicant,



they have to inform the applicant positively whether the request has been accepted or rejected by giving ~~4~~ detailed reasons for their decision. In this case, it is seen that the representation which is said to have been given by the applicant addressed to the Raksha Mantri and copy of ~~the~~ same has not been endorsed to any of the officials. Therefore, it is open to the applicant to pursue her representation with the Hon'ble Raksha Mantri at personal level. But as far as the claim of the applicant is concerned, respondents are directed to give clear cut reply to the applicant within a period of 3 months from the date of receipt of a copy of this order stating therein clearly whether her request for compassionate appointment can be accepted or not supported ^{the same} by reasons ~~thereon~~.

4. With the above direction, this O.A. is disposed off at the admission stage itself with no order as to costs.



Member (J)

shukla/-