

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Original Application No.626 of 2003.

Thursday, this the 23rd day of September,2004.

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

Rita Devi (Smt.)  
age about 30 years,  
Wife of Late Rakesh Soni,  
Maz, Residence of P/26/4,  
D.S.C. Line, Kanpur Cant. (U.P.). ....Applicant.

(By Advocate : Shri U.P. Singh & Pushplata Singh)

Versus

1. Union of India through Defence Secretary,  
New Delhi.
2. Chief Engineer, H.Q., Central Command,  
Lucknow -02.
3. Garrison Engineer (MES) Kanpur. ....Respondents.

(By Advocate : Shri S. Singh)

ORDER

By Hon'ble Mr. A.K. Bhatnagar, J.M. :

Learned counsel for the applicant submits that vide order dated 13.12.2002 passed in OA No.1443 of 2002, the following order was passed :-

"....In the circumstances, this OA, is premature. Counsel for the applicant has submitted that more than year has been passed but the appointment has not been given. As the general practice is that the respondent consider the claim at three times. The claim at present has been considered only once. The claim of the applicant is to be considered on two occasion again. This application is premature. However, it shall be left open to the applicant to file a representation for early consideration which shall be considered and decided in accordance with rules."

In view of this, learned counsel for the applicant prays for withdrawing this OA as it being premature, with

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liberty to file a fresh representation for compassionate appointment of the applicant as department is supposed to consider the appointment on the compassionate ground generally for three times.

3. In the interest of justice, I am of the view that this OA can be disposed of by granting a liberty to the applicant to file a fresh representation. Accordingly, the applicant is granted one month time for filing a fresh representation to the Competent Authority with a further direction to respondent No.2 to consider and decide the same by a reasoned and speaking order within a period of three months from the date of receipt of copy of this order as per policy of the Government and rules on the subject.

4. The OA is disposed of with the above directions. No order as to costs.

  
Member (J)

RKM /