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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.803 of 2006

Allahabad, this the 16th day of September, 2008.

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

Smt. Raj Kumari, W/o late Sunil Kumar, R/o 705-B
Block Panki, Kanpur Nagar.

...Applicant.

By Advocate : Sri V.K. Srivastava.

Versus

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The General Manager, Small Arms Factory, Kalpi Road, Kanpur.
3. Deputy General Manager (Admn.), Small Arms Factory, Kalpi Road, Kanpur.
4. Administrative Officer, Small Arms Factory, Kalpi Road, Kanpur.

...Respondents.

By Advocate : Sri Anil Dwivedi.

O R D E R

The husband of the applicant died in harness on 19.10.2000 while in service. After the death of husband of the applicant, she moved an application for appointment on compassionate grounds vide Annexure 3 and 8 to the O.A. It is averred that the mother-in-law of the applicant raised certain objections to the compassionate appointment of the applicant and finally the matter was settled by means of compromise, but the case of the applicant for compassionate appointment could not be considered by the respondents. It is also contended that the respondent authorities asked the applicant to furnish the succession certificate from competent Court of law.

2. It has been contended by Sri Anil Dwivedi, learned counsel for the respondents that as per

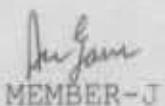
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(iv)

existing practice, based on the relevant rules and instructions, the pecuniary condition of the applicant was got verified by ALWC/SAF and civil authority asked the applicant to produce the relevant documents. On the other hand, Sri V.K. Srivastava, learned counsel for the applicant contended that the financial condition is very poor of the applicant and she has school going children and as such she is not in a position to maintain herself and her family. The name of the applicant has already been recorded as wife of the deceased employee in the service records.

3. Having heard the parties' counsel and perused the record, I find no justification for not considering the case of the appointment for appointment on compassionate grounds in the light of the earlier representations made at Annexure 3 and 8 respectively. I accordingly quash and set-aside the order dated 19.12.2005 (Annexure-7) direct the competent authority to consider and decide the pending representation of the applicant for appointment on compassionate grounds in accordance with the relevant rules and regulations on the subject as well as the law laid down by this Tribunal by passing a reasoned and speaking order in accordance with law within a period of three months from the date of receipt of a certificate copy of this order.

4. The O.A. stands disposed of in the above terms with no order as to costs.


Girish Jaiswal
MEMBER-J

GIRISH J.