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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 04TH day of APRIL 2007

Original Application No. 894 of 2006

Hon'ble Mr. P.K. Chatterji, Member (A)

Smt. Manju Singh, widow of late Ranjit Bahadur Singh, r/o Village and Post Chaura Distt: Ballia

. . . .Applicant

By Adv: Sri S.P. Singh & Sri A. Singh

V E R S U S

1. Union of India through Secretary Defence, New Delhi
2. Chief of Army Staff Army Headquarter, New Delhi.
3. Lt. General Artillery ADA Vth General Staff Branch Army Headquarter, New Delhi
4. Commanding Officer Vayu Raksha Topkhana Abhilekh (Air Defence Artillery Records), Nasik Road Camp 422102.

. . . .Respondents

By Adv: Sri R.C. Shukla and Sri A. Dwivedi

O R D E R

The applicant who is widow of late Ranjit Bahadur Singh, who was hawaldar/clerk in Indian Army and died on 02.09.1998 while in service reportedly under head inuury with forntal termportal contusion heamatoma. The applicant made a representation for job on compassionate ground for herself on 09.10.1998 giving the requisite information. The case was forwarded on 17.10.1998 by Assistant Record Officer of Vayu Raksha Topkhana Abhilekh (Air

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Defence Artillery Records) Nasik to the Director General of Artillery, General Staff Branch, Army Headquarters, New Delhi. As no decision from the respondents was forthcoming, the widow made another representation (date not mentioned) (Annexure A-6) in reply to the reference received from the respondents on 14.05.2001 (Annexure CA 2 to the counter affidavit). However, still no favourable decision was received from the respondents.

2. Thereafter the applicant filed a Writ Petition before the Hon'ble Allahabad High Court. This was disposed of by the Hon'ble High Court vide its order dated 07.07.2006, whereby the applicant was directed to bring the matter for consideration before the Central Administrative Tribunal by filing an OA and the Tribunal was directed to dispose of the same expeditiously. Hence this OA.

3. Counter affidavit has been filed by the respondents. The respondents have given brief history of the matter at paragraph 3 and 5 of the counter affidavit. In the same para it has been stated that after the death of applicant's husband retiral benefits to the tune of Rs. 620873/- was granted. It has also been mentioned in report that as per DOPT guidelines, request for compassionate appointment which are older than one year could not be considered. In the counter affidavit the

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respondents have also referred to the very limited vacancy of 5% under compassionate appointment quota.

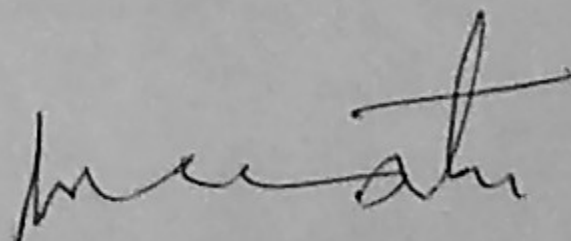
4. The learned counsel for the applicant has, however, brought to my notice that in the impugned order the grounds which has been taken by the respondents for rejection, the request was that the request for compassionate appointment could not be granted after a lapse of one year as specified in the Govt. of India letter No. 14014/23/99-Estt (D) dated 03.12.1999. The learned counsel for the applicant has stated that the applicant had filed the request for compassionate appointment within three months from the date of death. His case was also forwarded for consideration by the appropriate Board from the concerned unit soon thereafter. Therefore, it does not behove the respondents to say that they could not consider the request on the ground that it was older than one year. The learned counsel for the applicant has also stated that the applicant has the right for consideration of her request. It would not be clear from the impugned order whether her case was at all considered by the appropriate Board or whether it was not considered at all by the appropriate committee for being time barred.

5. I have also gone through the impugned order and the relevant paragraphs in the counter affidavit.

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It is still not clear whether the Board had taken up the matter for consideration or whether the representation of the applicant was not at all placed before the Board ~~the~~^{or} preliminary screening as being time barred. I would like to observe that the impugned order is rather cryptic and laconic. It does not make it clear whether the case was duly considered by the appropriate board. Needless to say that the applicant has the right to be considered regardless of the outcome.

6. For these reasons the impugned order dated 02.02.2002 is set aside with the direction that the applicant's request for compassionate appointment should be considered by the appropriate board in its next meeting ignoring the time which has ~~been~~ lapsed since the filing of the first representation of the applicant and now. The request should be considered by the appropriate Board in its next meeting whenever it takes place. The respondent No. 3 will ~~the~~^{forward} ~~detailed~~ ~~of~~ the representation before the appropriate Board within a month from the of receipt a copy of this order for consideration by the appropriate board in its next meeting. With this order the OA is disposed of. No cost.



Member (A)

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