

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the 21st Day of January, 2013)

Hon'ble Mr. Shashi Prakash -AM

Original Application No.319 of 2007
(U/S 19, Administrative Tribunal Act, 1985)

Smt. Sushma Sharma, W/o late Shri Chandra Prakash Sharma, R/o
Village Tundli PO Tundla, District Firozabad.

..... Applicant

By Advocate: Shri A.K. Srivastava

Versus

1. Union of India through Secretary Ministry of Defence,
Parliament Street, New Delhi.
 2. Controller General Defence Accounts (AN), West Block, R.K.
Puram New Delhi.
 3. The Principal Controller of Accounts (Fys) Ministry of Defence
10-A, Shaheed Khudiram Bose Road, Kolkata.
 4. Controller of Finance & Accounts (Fys), Ayudh Upaskar
Bhawan, GT Road, Kanpur.
 5. The Accounts Officer, O.E.F., Hazaratpur, District Firozabad.
- Respondents

By Advocate: Shri Ajay Singh

ORDER

Learned counsel for the applicant submitted that the husband
of the applicant, namely, Chandra Prakash Sharma, who was

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working in the office of respondent No.5 died on 06.09.2002 leaving behind his wife, one daughter, two sons and his old mother. After the death of her husband, the applicant by her representation dated 30.09.2002 applied for compassionate appointment before the Respondent Nos.2 and 3 by furnishing details of his age, qualification and family etc and requested to appoint her on the post of Asst. Teacher or any group 'C' post suitable to her in accordance with rules provided as per the qualification in place of her deceased husband. No reply has been given on the representation of the applicant then she filed reminder to this effect on 01.10.2002, thereafter on 20.02.2003, 04.04.2003, 27.01.2004, 26.06.2004. On the last representation of the applicant dated 24.02.2005, the respondent No.3 vide order dated 28.07.2005, rejected the representation of the applicant for appointment on compassionate ground due to limited number of vacancies. Against the order dated 28.07.2005, the applicant submitted a representation dated 25.09.2005 for her appointment on compassionate ground because the financial condition of the family had become very critical. The respondent No.3 again rejected the claims of the applicant vide order dated 10.11.2005 on the same ground. Once again, against the order dated 10.11.2005, the applicant submitted a representation on 28.11.2005 mentioning her family's economic condition, requesting

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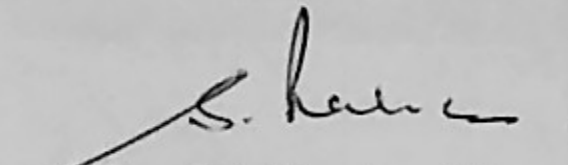
the respondents to consider her representation on any post as soon as vacancy arises since her family was still continuing to live in penurious condition. The respondent No.3 again by the impugned order dated 17/20/03.2006, third time rejected the case of the applicant on the same ground as it had done first and second time by a similar non-speaking order. Hence, the present O.A.

2. Shri Ajay Singh, counsel for the respondents argued that in the absence of vacancy against compassionate appointment quota, the respondents are not in a position to consider the case of the applicant.

3. It is observed that while the case of the applicant has been considered on three occasions as per the applicable policy at the relevant point of time, it is, however, seen that the decision regarding the inability of the respondents to consider the case of the applicant for appointment on compassionate ground has been conveyed in most cryptic and non speaking manner. The orders seem to give the impression that request for appointment on compassionate ground of the applicant has been passed in the most discursive and arbitrary manner and in non compliance of the provisions of the prevalent scheme in this regard at that point of time. The tenets of natural

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justice require that if a decision is to be conveyed to a person by the department, it must be a detailed and speaking one. As the three impugned orders have singularly failed to meet this requirements they are liable to be set aside. Accordingly, the impugned orders 28.07.2005, 10.11.2005 and 17/20.03.2006 are set aside. The O.A. is disposed of with the direction that the respondents have a re-looked at the representation of the applicant according to the existing scheme at the relevant time and convey the decision to the applicant by a detailed, reasoned and speaking order within a period of two months. No costs.


(Shashi Prakash)
Member-A

Sushil