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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 272 of 1993

Date of Decision: 15.11.1993

Smt. Hemangini Jena

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? No.


MEMBER (ADMINISTRATIVE)

15 NOV 93

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

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Smt. Hemangini Jena

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. B. Baug
N.N. Mohapatra,
Advocates

For the respondents

Mr. Ashok Mishra
Sr. Standing Counsel
(Central Government)

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C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE - CHAIRMAN

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): In this application, Smt. Hemangini Jena has prayed for a direction to be issued to the respondents to employ her on the ground that her husband, late Shri Achinta Jena had rendered continuous services under Respondent No. 5 and died in harness at the age of only 29. The applicant has been praying for an appointment on compassionate ground since the demise of her husband.

2. The respondents have expressed certain difficulties in acceding to her request; firstly that the minimum educational qualification for any appointment in their organisation is a pass in VIII Class; secondly, some other cases for appointment under this category are said to be awaiting clearance. Respondent 5 states that efforts

— 1. 5. 11. 1993 —

are being made to try and accommodate her request by relaxing the educational qualifications, if necessary. The Senior Standing Counsel for the respondents is hopeful that a decision, possibly favourable, may soon be taken, though he cannot foresee exactly how early the case would be settled.

3. It has to be mentioned that the department has done the right thing by disbursing^{to} the applicant all amounts due to her late husband. Thus it cannot be said that the respondents have been in any way withheld any due benefit to which the lady is entitled.

4. Considering the fact that the applicant is a young widow, who has lost the main prop of her life at a very early age, and is, moreover, burdened with the responsibility of bringing up a young child, and also in view of the fact that she has been supplicating the authorities for a suitable job for nearly five years, it seems necessary that any help that^{is} proposed to be extended to her has to be rendered very early. The concerned authorities will ensure that an expeditious and just decision is taken in the matter.

5. Taking into view the totality of circumstances of this case as also the fact that she is evidently under considerable distress, it is directed that the applicant be provided with some suitable work on daily-wage basis until such time that the next vacancy arises to absorb her regularly. While she is employed on daily wages, it may be ensured that she gets the minimum in the scale of a regular group 'D' employee. This is in consonance

— 1.5.4.1. —

with the view of the Supreme Court taken in a number of cases. I do not have the slightest doubt that the respondents, in emulation and continuation of their demonstrated earlier fairness to the applicant, will consider her claims most sympathetically and extend to her whatever relaxation are necessary in the matters of educational qualification. The application is thus disposed of. No costs.


MEMBER (ADMINISTRATIVE)

15 NOV 93

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 15.11.1993/ B.K.Sahoo