



**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 139/2007

Date of order: 11.03.2008

HON'BLE MR. JUSTICE A.K. YOG, MEMBER (J)

Smt. Indira Devi W/o late N.C. (E) Bharti P.N., age 29
C/o Gauri Shankar STD Booth
Civil Airport Road, Village Pabupura,
Tehsil & Distt. Jodhpur.

...Applicant.

Represented by – Mr. C.S. Mandora, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Defence, 'Raksha Bhawan', New Delhi.
2. The Chief of Air Staff, Air Headquarters, 'Vayu Bhawan', Rafi Marg, New Delhi.
3. The Air Officer Commanding in Chief Headquarters - South Western Air Command, IAF, Sector-9, Gandhinagar (Gujarat) – 382009.
4. The Commanding Officer No. 107, Helicopter Unit, Indian Air Force, Ratanada, Jodhpur.

... Respondents.

Represented by – Mr. M. Godara, advocate, holding brief of
Mr. Vinit Mathur, counsel for respondents.



ORDER

By Justice A.K. Yog, Member (J)

Heard learned counsel for the parties.

Case is listed today for orders/direction. Learned counsel representing the respondents, prays for further time to file counter/reply in view of earlier order passed by the Tribunal on 05.02.2008. Earlier vide order dated July 11, 2007, Bench



directed for issuing 'notice' to the respondents on 'admission'. I am not inclined to grant further time for filing counter/reply in absence of any 'explanation' for not filing it earlier.

The case is being heard at admission stage ex-party.

In the present O.A., the Applicant seeks 'compassionate appointment' on the ground that her husband P.N. Bharti expired on 15.09.2001 while in service.

Admittedly, claim of the applicant (for compassionate - appointment) was considered under relevant Rules by the respondents-authorities way back in October 2004, April 2005 and Nov. 2005. Since the respondents failed to offer 'compassionate - appointment', the applicant in the past filed O.A. No. 92/2005, which was finally disposed of vide order dated 25.10.2005 (Annexure A/3 to the present O.A.); operative portion of the said order reads -



"... Keeping in view of the above, it appears that the final order is yet to be passed by the department, hence, the Original Application is premature. The department will consider the case third time, within a period of three months and shall inform the applicant about the decision. If it has already been considered for third time, she may be informed about the decision. In any case, if any adverse order is passed against the applicant, she would be at liberty to file fresh Original Application. The Original Application is dismissed as premature with the above observations/directions.

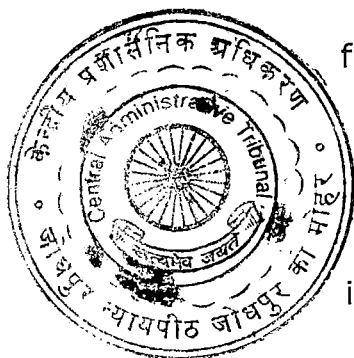
The applicant has filed copy of letter/order dated 09.12.2005 / Annexure A/4 to the O.A., which shows that the respondents-authorities (in compliance to the above order dated



25.10.2005 of the Tribunal) again considered her case but she did not find her eligible for being given priority/preference over others claiming under compassionate category within 5% vacancies quota earmarked for compassionate appointment in Group 'D' posts.

Aforesaid decision of the respondents was admittedly received by the applicant on 09.12.2005 as stated in para 4 (vi) of the O.A. The said order, it is expected, was received by the applicant in due course but did not show desired 'promptness' on her part, to pursue her claim. After about six months, she again sent a letter to the Air Headquarters, New Delhi asking for employment assistance under indigent circumstances. Air Force Headquarters, New Delhi vide letter dated 26.06.2006 (Annexure A/1 to the O.A.) reiterated its earlier decision communicated vide letter dated 09.12.2005 / Annexure A/4 to the O.A.

Surprisingly, the applicant took about a year to file the present O.A. (presented in the Registry on 01.05.2007), i.e. at the fag end of the 'limitation' period of one year provided for filing O.A. under Administrative Tribunals Act, 1985.



Compassionate appointment is offered to mitigate immediately distress of the family in absence of 'breadwinner'.

There is no explanation as to why the applicant did not act promptly. Husband of the applicant died in September 2001. It is now year 2008. Prima-facie no case for grant of

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compassionate appointment is made out – particularly when the applicant has made no effort to challenge the reason (given by the respondents-authorities) viz. non-availability of vacancies under 5% quota reserved for compassionate appointment.



There is no merit in the O.A. It is accordingly dismissed.

No order as to costs.


(A.K. Yog)
Member (J)

nlk*

Revised Gm
by
04/4/08

part II and III destroyed
in my presence on 01/12/14
under the supervision of
section officer () as per
order dated 19/8/2014.

Section officer (Record)

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14/3