

**Central Administrative Tribunal Lucknow Bench Lucknow.****O.A. 92 /2006**

This, the 24th day of January 2008

**HON'BLE MR. M.KANTHAIAH, MEMBER (J)**

Vidyawati Devi,  
 Aged about 40 years,  
 Wife of Late Ram Kumar,  
 Resident of Village Hasipur,  
 Post Office Bakshi Ka Talan  
 District-Lucknow.

**Applicants.*****By Advocate: None.*****Versus**

1. The Union of India through  
 Secretary, Ministry of Medical Health,  
 New Delhi.
2. Director General,  
 Central Drugs Research Institute, New Delhi.
3. Director,  
 Central Drugs Research Institute,  
 Lucknow, U.P.

**Respondents.*****By Advocate: Sri Pankaj Awasthi for Sri A. K. Chaturvedi.*****Order****By Hon'ble Mr. M. Kanthaiah, Member (J):**

The applicant has filed the original application to issue direction to the respondent No. 3 for his appointment on a Class Group 1(3) Mali Botany Division, with entire service benefits on compassionate ground.

2. The respondents have filed their counter affidavit denying the claim of the applicant stating that his request was rejected through a letter dated 8th July 2002 and as such, the present O.A. is barred by

limitation. Further, the applicant has not challenged the said rejection orders and simply filed the present O.A., which is not at all maintainable.

3. The applicant has filed rejoinder stating that the vacancies still existing and the applicant is eligible for appointment on compassionate ground and also further stated that the decision taken by the respondents is illegal and invalid.

4. Heard both sides.

5. The point for consideration is whether the applicant is entitled for the relief as prayed for.

6. The admitted facts of the case are that the husband of the applicant while working on Group 1(3) Mali, Botany Division, in the office of respondent No. 3, he died on 22.5.2001. Thereafter, the applicant, who is the wife of the deceased Ram Kumar, made representation for her appointment on compassionate ground. When there was no response, she also made reminders. It is the case of the applicant that the respondents have not taken any decision and as such, she filed this O.A. to issue direction for her appointment on the post of Group 1(3) Mali Botany Division.

7. By way of detailed counter affidavit, the respondents have taken the plea that the representation of the applicant was considered along with 5 other applications for appointment on compassionate grounds. Thereafter, it was rejected and also informed the same through a letter-dated 8.7.2002, which is Annexure C-6. Subsequently, she also preferred another application dated 5.10.2002, and also preferred a representation dated 6.11.2002 to the Minister for Science & Technology Government of India , New Delhi and upon which also they have informed the rejection of the claim of the applicant and also communicated the same through letter dated 8.7.2002. Annexure C-7 and C-8 and C-9 are the representation of the applicant and

representation through the Ministry and also intimation letter. Thereafter, when the applicant preferred another representation-dated 2.9.2003, the same was also informed rejection of her claim for compassionate appointment. Annexure C-11 and C-12 are the representation of the applicant and also decision-dated 27.9.2004.

8. Though, the applicant has filed rejoinder, none of these pleas raised by the respondents have been disputed which itself shows that the said rejection order and also subsequent communication of such decision to the applicant are not in dispute.

9. By suppressing all the relevant material that is in respect of rejection of her claim, for compassionate appointment and also her subsequent representations the decision and intimations given to her by the department from time to time, <sup>the</sup> ~~the~~ applicant has filed the present application stating that her representation is still pending which is not at all correct. When the respondents authorities have taken a decision, in the month of July 2002 itself and the same was also communicated whenever she made further representations, it is not open to the applicant to file the present O.A. stating that her representation for compassionate appointment is still pending. From the above, it is clear that the applicant without questioning such rejection orders and also suppressing such material facts filing of present O.A. that too after a lapse of for about 4 years is not at all maintainable. Thus, there are justified no grounds to allow the claim of the applicant for giving any direction to the respondents for considering her representation for appointment on compassionate ground.

10. In the result, the O.A. is dismissed. No costs.

  
(M. Kanthaiah)  
Member (J)  
20-01-2008