

Central Administrative Tribunal, Lucknow Bench, Lucknow
Original Application No. 461/2006

this the 29th day of September, 2006

Hon'ble Mr. Justice Khem Karan, Vice Chairman

Smt. Madhu Sharma aged about 31 years wife of late Shri Arun Kumar Sharma, resident of Type I/97, Akansha Parisar, Jankipuram, Lucknow.

...Applicant

By Advocate:- Shri Dharmesh Sinha

Versus

1. Union of India through Secretary, Ministry of Urban Development and Poverty Alleviation, Department of Urban Development, Nirman Bhawan, New Delhi.
2. Director General of Works, Central Public Works Department, Nirman Bhawan, New Delhi.
3. The Additional Director General (NR) Central Public Works Department, Sewa Bhawan, R.K. Puram, New Delhi.
4. Chief Engineer (NZ-II) Central Public Works Department , B.1-11/1, Sector K, Aliganj, Lucknow.
5. Superintending Engineer (Coordination Cell), Lucknow Central Circle, Central Public Works Department, Aliganj, Lucknow.
6. Executive Engineer, Lucknow Central Circle II, Central Public Works Department, Aliganj, Lucknow.

...Respondents

By Advocate:- Shri A.P. Usmani

ORDER (ORAL)

By Hon'ble Mr. Justice Khem Karan, Vice Chairman

Heard Shri Dharmesh Sinha for the applicant and Shri A.P. Usmani for the respondents on this O.A.

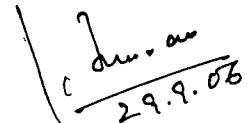
2. The applicant claims herself to be widow of late Shri Arun Kumar Sharma who died on 16.11.2003, while serving as Beldar under the respondents , leaving behind him applicant and minor children. It is alleged that no order has been passed on her application dated 24.1.2004 (Copy of which is Annexure 1) for her appointment on compassionate grounds. It is stated that she has no source of livelihood, after sudden death of her husband and it is becoming difficult to maintain four school going children. According to her though she was appointed as Waterman but on



daily wages basis and that arrangement was also terminated, vide order dated 3.7.2006 (A-3). She says however, she continued upto 15.9.2006. The sum and substance of her grievance is that she was not given regular appointment on compassionate ground, for which she is entitled under the relevant rules. According to her, her accommodation on daily wages basis on the post of Waterman or any other post is not tantamount to regular appointment as contemplated under the relevant rules relating to compassionate appointment.

3. The Tribunal is of the view that there is no point in keeping this O.A. pending here as purpose could be served by issuing direction to the respondents to consider the appointment of the applicant on compassionate ground under dying in harness rules. Undoubtedly, appointment on daily wages basis is not the appointment contemplated under the relevant rules, relating to appointment under dying in harness rules.

4. So this O.A. is finally disposed of with a direction to the respondent No. 4 to consider the claim of the applicant for compassionate appointment under the dying in harness rules, in accordance with the relevant orders/ rules, within a period of 3 months from the date, a certified copy of the order is produced before him. No costs.


(Khem Karan)
Vice Chairman

HLS/-