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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

Original Application No. 109 of 1992

1. Smt. Lajwanti Devi

2. Sanjay Kumar Dhasmana Applicants

Versus

Union of India and 3 others Respondents

Hon'ble Mr. S.N. Prasad, Member (J)

The main grievance of the applicants appears to be that husband of the applicant no. 1 and father of the applicant no. 2 namely Ishwar Chand Vidyasagar was initially appointed as U.D.C. and was later on confirmed and while he was working as Office Superintendent Grade-II, in the Military Farm, Jabalpur, and died on 25.3.1989. His widow applicant no. 1 Smt. Lajwanti Devi submitted her applications to the authorites concerned including the respondent no. 3 and 4, requesting them for giving suitable appointment on compassionate grounds to the applicant no. 2 Sri Sanjay Kumar Dhasmana. It has further been stated that despite the recommendation of the respondent no. 3 (Officer Incharge/Deputy Assistant Director, Military Farm, Jabalpur), nothing could materialise. The applicant no. 2 who has been working as casual labour, and who has become eligible for enrolment as regular Farm Hand as M.F., Lucknow and was also approved for employment on monthly rates of pay, but for want of sponsoring his name from employment exchange, he could not be brought on monthly rates of pay and as such relaxation of requirement of sponsoring name through employment exchange was impressed upon by the respondent no. 4 (vide Annexure-10), but it appears that the above letter of the respondent no. 4 ~~xxxxxxxxxxxx~~

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dated 20.12.1990(Annexure-10), however, escaped the attention of the authorities concerned and impugned order dated 5.3.1991(Annexure-11) was communicated by the respondent no. 3 and the prayer of the applicants for giving appointment on compassionate ground to the applicant no. 2 Sri Sanjay Kumar Dhasmana was turned down, observing that two sons of the applicant no. 1 are already working and are earning members of the family consisting of the applicants, hence the applicants have approached this tribunal.

2. I have heard the learned counsel for the applicant and have thoroughly gone through the records of the case.

3. The learned counsel for the applicant while drawing my attention to the contents of the application and the papers annexed thereto has urged that two sons of the applicant no. 1 namely Sri Vijay Kumar Dhasmana and Ajay Kumar Dhasmana are in employment prior to the death of the aforesaid Ishwar Chand Vidyasagar, and has further urged that since the aforesaid Ajay Kumar Dhasmana and Vijay Kumar Dhasmana are in employment since before the death of aforesaid Ishwar Chand Vidyasagar i.e. prior to 25.3.89 and since they have been living separately, the respondents did not consider this fact while passing the impugned order dated 5.3.1991(Annexure-11); and has further urged that a suitable direction to the respondent no. 2 to consider the above facts of the aforesaid Ajay Kumar Dhasmana and Vijay Kumar Dhasmana who have been

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living separately since before the death of the aforesaid Ishwar Chand Vidyasagar, will go a long way in giving substantial redressal to the grievances of the applicants

4. This is noteworthy that an affidavit dated 6.9.1989 of the applicant no. 1 (which is Annexure-6 on record) inter alia, shows that the aforesaid 2 sons of the applicant no. 1 namely Vijay Kumar Dhasmana and Ajay Kumar Dhasmana are living separately and have been in employment since before the death of the aforesaid Ishwar Chand Vidyasagar; deceased husband of the applicant no. 1, and it further reveals that for survival of the applicant no. 1 and her two daughters, employment of the applicant no. 2 is quite essential.

5. Having considered all the view points and the circumstances of the case and all aspects of the matter I find it expedient that the ends of justice would be served if the respondent no. 2 is directed to consider the view points of the respondent no. 4 contained in his letter dated 20.12.90 (Annexure-10), from proper perspective, and to take decision regarding regularisation of the employment of the applicant no. 2 Shri Sanjay Kumar Dhasmana on monthly rates of pay, relaxing the requirement of sponsoring through employment exchange, by reasoned and speaking order, within a period of two months from the date of receipt of the copy of this judgement; and I order accordingly.

6. The application of the applicant is disposed of as above without any order as to costs.


Member (J)

3.11.92

Lucknow Dated 3.11.1992.

(RKA)