

**Central Administrative Tribunal , Lucknow Bench,
Lucknow**

O.A. No. 331/2005

this the 21st day of March. 2007

Hon'ble Shri Justice Khem Karan, V.C.

Km. Renu aged about 29 years d/o late Sri Jiya Lal R/o
C-3/6, Lal Colony, Nirala Nagar, Lucknow.

..Applicant

By Advocate: Shri A.K. Vishwakarma

Versus

1. Union of India, through its Secretary, Department of Agriculture Research and Educational , Ministry of Agriculture, New Delhi.
2. Director, Central Drug and Research Institute, Chattar Manjil Palace, Lucknow.
3. Administrative Officer, Central Drug and Research Institute, Chattar Manjil Palace, Lucknow.

..Respondents

By Advocate: Shri Prashant Kumar Srivastava B/h
for Sri A.K.Chaturvedi

ORDER (ORAL)

By Hon'ble Justice Shri Khem Karan, V.C.

Km. Renu, daughter of late Sri Jiya Lal has filed this O.A. with a prayer that order dated 18.6.2004 (Annexure 1) be quashed and respondent No. 3 be directed to reconsider her case for appointment in Group 'D', on compassionate groundss.


2. There is no dispute between the parties on the point that father of the applicant was employed as Dy. Stores



and Purchase Officer in the office of Director, C.D.R.I., Chattar Manjil Palace, Lucknow and he died in harness on 9.10.2003, leaving behind his widow and three daughters (including the applicant, who is the eldest of such daughters). It is said that due to some physical disability, the applicant could not be married, though one of her younger sister was married. She applied for appointment on compassionate grounds, alleging that she was high School pass, and there was no earning member in the family, after death of her father. She alleges in para 4.8 and 4.9 of O.A.^{Final} she was not informed about the ~~facts~~^{facts} of her request. Then she made a representation on 14.3.2005 (A-3) to higher authority. ^oThen she received the impugned communication dated 18.6.2004 to the effect that her case was not found fit one for such appointment.

3. The applicant has challenged this communication dated 18.6.2004 on the grounds, inter-alia, that her case has not properly been considered in the light of relevant guidelines. She says as the condition of the family was miserable one and it was not in a position to sustain itself, so refusal was totally unjustified.

4. Respondents have contested the claim of the applicant. They say the claim of the applicants and other such claims were duly considered by the committee in



its meeting dated 25.3.2004, in accordance with the guidelines issued in this regard but her claim could not be cleared, owing to limited number of vacancies. According to them, the applicant's mother was informed vide letter dated 13.4.2004 (C-7) that the case of her daughter for appointment on compassionate grounds, was not found fit one and O.A. has been filed after one year, so the same is time barred.

5. In Rejoinder, the applicant has tried to say, whatever was to be paid as terminal benefits was deducted toward amount to be paid to Cooperative Bank or against one or other advances. In Supplementary Affidavit, the respondents have tried to explain the position in the context of modified guidelines dated 5.5.2003 (C-6)

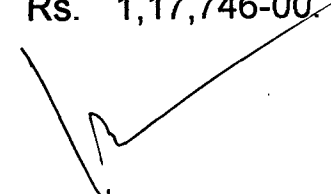
6. I have heard the parties counsel at length and have also gone through the material on record and also through the proceedings of the Committee dated 25.3.2004, as made available by Shri Prashant Kumar Srivastava B/h of Sri A.K.Chaturvedi.

7. In so far as the point of limitation is concerned, I am of the view that the O.A. cannot be said to be barred by limitation. The applicant is challenging the legality and propriety of communication dated 18.6.2004. It is true that earlier a letter dated 13.4.2004 (C-7) was sent to her, informing about rejection but there is no proof that the



same reached her, if so when. In O.A., she does not admit the receipt of that letter dated 13.4.2004 so, I am of the view that the O.A. cannot be said to be time barred.

8. This much is not in dispute ^{evident} that the case of the applicant was not considered for second or third time as indicated in letter dated 5.5.2003 (C-6). The explanation for not considering the same twice or thrice, in terms of amended guidelines dated 5.5.2003 does not appear to be satisfactory in the sense that no good reasons have been assigned as to why the case of the applicant was not found genuine to be considered in next or subsequent years. The applicant is the eldest daughter of the deceased and is disabled as stated in para 4.3 of the O.A. She comes from the lowest strata of our society and it is creditable that she has passed high school. While her younger sister has been married but due to disability she could not be so fortunate. It has come in rejoinder (see para 6) and in para 5 of the reply, that considerable portion of terminal benefits, was adjusted against loans/advances. As per the averments made in para 5 of reply, the family could ^{get} ~~got~~ only Rs. 1,17,746-00 out of Rs. 4,64,621-00 and the rest was deducted towards payment of loans/advances. The committee was ^{swayed} ~~swayed~~ by the fact that the family got more than 4 lacs as terminal benefits, whereas it got only Rs. 1,17,746-00. Shri



Vishwakarma has rightly ^{contended that} ~~conceded~~ in case the applicant gets appointment, she may also get married and lead a happy life. Her youngest sister is also unmarried. Taking all these things into account, I am of the view that the respondent were not justified in not considering ^{her case} for second or third time in terms of modified guidelines dated 5.5.2003. Her case deserves to be re-considered again in terms of the said guidelines dated 5.5.2003

9. So the O.A. is finally disposed of and communication dated 18.6.2004 is quashed with a direction to the respondent No. 3 to ensure that the case of the applicant for compassionate appointment is reconsidered in terms of guidelines dated 5.5.2003 and appropriate decision taken, within a period of four months from the date a certified copy of this order is produced before him. No order as to costs.


21.3.07
Vice Chairman.

HLS/-