

(AS)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
LUCKNOW

O.A. No. 63/90

Smt. Vinod Duggal ... Applicant

Vs.

Union of India & others ... Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, A.M.

(By. Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant has filed a claim petition under Section 19 of the Central Administrative Act, 1985 on 27.2.90 challenging the refusal of the respondents to provide suitable employment as her husband died in harness. Her husband was serving as a U.D.C. under the Officer Incharge, Record Office of Army Medical Core, Lucknow and being a civilian employee, he was paid out of Defence service estimates. He died on 29.6.87 after rendering 31 years of service leaving behind his widow, 3 daughters and one son. The applicant applied for a post of Peon on the ground of compensatory appointment as her husband died in harness. But by the letter dated 26.1.90 she was informed that in view of the limitations and restrictions imposed by the Government, her case for employment has been turned down and that is why the applicant has approached this Tribunal. The respondents in their reply have pointed out that the applicant could not get an appointment on the ground that she was over-aged and she was born earlier than 1947 and further her circumstances were better than many others and that is why preference was not given to her case. She

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was paid a sum of Rs. 21,134/- under CE & GSI and a sum of Rs. 9924/- towards GPF and a sum of Rs. 820/- per month plus relief as admissible from time to time aspension and a sum of Rs. 50,020/- towards DCRG. A reference ~~has~~ has also been made to Ministry of Personnel's Notification dated 30.6.87. In this behalf she was advised that the appoint^{ment} is to be given to the son, daughter or near relative who are left behind the family with a view to give immediate ^{relief} when there is no other member and in exceptional circumstances when the family is indigent and in great distress. The applicant ^{did} ~~does~~ not ^{fall into that} ~~se~~ denied of the category and that is why the appointment was not given to her and the better persons those who are waiting though the chances are bad are waiting for turn to come. The contention has got to be accepted but the applicant's son has become major. Obviously, in case the appointment has not been given to the applicant and in case her son applies for the same, there appears to be no reason why he will not get the appointment in place of her father and ^{accordingly} ~~if~~ an application comes ^{to} the respondents, ^{they} will give due attention to the same as far as possible and given an appointment ~~to her~~. With these observations, the application stands disposed of finally.


Member (A)


Vice Chairman

Lucknow
dt 26th May, 1992