

24

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 352 of 1992

Smt. Laxmi Devi & Others Applicants

Versus

Union of India & Others Respondents

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

Hon'ble Mr. K. Obayya, Member (A)

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

The prayer made by the applicant is regarding the compassionate appointment in place of her husband who died in harness. The learned counsel for the respondents today again prays for time to file written statement. We do not find any justification now to grant time for the same as it is the matter in which the time should not be given. However, he has been allowed to argue the case without there being any written statement as it is not a matter, now in which any written statement is needed. The applicant's husband who was working as a Khalasi died on 29.5.1991. Thereafter, she moved an application for her appointment in compassionate ground. The Divisional Railway Manager(Personnel), N.E. Railway gave her an appointment on 25.5.1992 on a daily wages @ Rs. 32.80 per day for a limited period upto 15.7.92 and thereafter by verbal orders, she^{was} allowed to continue till 30.7.1992, whereafter, she has not been given any appointment, although she prayed for regular appointment. The learned counsel for the respondents contended that each and every person can not be accommodated for the

Contd..2/-

:: 2 ::

appointment, because the limited number vacancies^{which} are given to the persons who pray for compassionate appointment. It may be that persons who are waiting from before or whose circumstances may be worse^{than} that of the applicants who were given priority and that's why the applicant's case could not be considered. May it be so, but in case, the applicant's husband died in harness and the welfare scheme of compassionate appointment is meant for accommodating such person. Even if, the applicant may not get that post which was held by her husband. She could have been given a lower post and accordingly, the respondents are directed to consider the case of the applicant on merit and give her compassionate appointment taking into consideration the cases of similarly other placed ladies who are also waiting for compassionate appointment and whose cases may be better or worse than that of the applicant. Let consideration be done within a period of three months. With these observations, the application is disposed of finally. No order as to the cost.


Member (A)


Vice-Chairman

Lucknow Dated: 20.11.1992.

(RKA)