

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH, LUCKNOW

Registration O.A.No 50 of 1988

Smt. Ram Khushi Devi Applicant

Vs.

Union of India and others... Respondents,

Hon. D.S.Misra, AM
Hon. D.K.Agrawal, JM

(By Hon. D.K.Agrawal, JM)

This application u/s.19 of the Administrative Tribunals Act XIII of 1985 has been moved by one Smt. Ram Khushi Devi widow of Ori Lal employed as Cataloguer Assistant in the Library of National Botanic Research Institute, Lucknow. He died in harness on 13.5.1986 on account of sudden heart attack. Thereafter, his widow, i.e. the applicant made an application to the Director, National Botanic Research Institute, Lucknow, arrayed as respondent no.2, on 27.6.1986 requesting that her son Pramod Kumar, who had passed Intermediate Examination, be appointed to a class III post. The respondent no.2 vide letter dated 29.10.1986 informed the applicant that one Vinod Kumar claiming to be step son of late Ori Lal has also applied for the post and she was advised to compromise with the said Vinod Kumar. The applicant, in reply, gave the correct facts on 8.12.1986 (annexure 3). Thereafter, the respondent no.2 made an offer on 9.10.1987 (annexure 4) to the applicant for employment. She replied on 23.10.1987

D.K.Agrawal

(annexure 5) stating that she had no objection to accept the employment but it would be in the interest of her family if her son, namely, Pramod Kumar is provided employment. Meanwhile, the applicant was corresponding with the Director General, Council of Scientific and Industrial Research, New Delhi- respondent no.1 which after consideration with its legal cell informed the respondent no.2 vide letter dated 3.7.87

(annexure 7) that the request of the widow of Ori Lal for appointment of her son Pramod Kumar may kindly be considered for appointment on compassionate grounds in exercise of the powers conferred vide circular letter no.5(14)/87-E-II dated 3.4.1987. Still, however, the appointment has not been given. Therefore, the applicant filed this petition seeking direction for appointment of Pramod Kumar or in the alternative to her.

2. The respondent no.2 has not denied the facts of the case except that it was alleged in the counter affidavit that employment was offered to the applicant but she did not accept it. There is, however, no document on record to substantiate the said statement made in the counter affidavit. The learned counsel for the respondent no.2 was called upon to seek time to file such document but the opportunity was not availed. In this view of the matter, we are of the opinion that it is a fit case for issue of a direction, as prayed by the applicant that her son Pramod Kumar be given suitable appointment according to his qualification on the existing or future vacancy.

By Agrewal

3. The petition is accordingly allowed. The respondent no.2 is directed to provide an employment to Pramod Kumar son of late Ori Lal according to his qualification ^{on} to an existing or future vacancy. There will be no order as to costs.

DK Aggarwal
MEMBER (J) 17/3/89

Sam
MEMBER (A)

Dated: 17 .3.1989
kkb.

ANNEXURE - A

2-2-15

of 1990 ()

Applicant.

Respondents.

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(2) ~~Jud. order dt. 20-9-91~~
order sheet A2 to A3
(3) Jud. order dt. 20-9-91
~~for~~ C. M. No 69/89 A4 to A10
(4) Affidavit A11 to A17
(5)

 Certified that no further action is required to take and that the
 case is fit for carrying over to the second room (D)

Cherkov
23/1/12

5057

(A1)

Annexure - A
CAT- 82
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE Shri C.H. S.O. OF 1988 (L)

Part of the Particular Shri Ram Kishore Singh

Versus

Union of India and others

Part A, B and C

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1	1. Certificate of Appointment	1
2	2. Certificate of Appointment	2
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16	5. Certificate of Appointment dated 16-3-89	16
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4	13. Application for appointment	4
29	14. Certificate of Appointment	29

Certificate that no further action is required to be taken and that the case is put for consideration to the relevant room. (3)

for 5000

Filed on
13.6.58
BUNAI

1946

50 of 1982

Smt. Ram Khushi Devi

La C. 2856 affon.

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	Yes (6 sets filed)
3. (a) Is the appeal in time ?	Yes
(b) If not, by how many days it is beyond time ?	No
(c) Has sufficient case for not making the application in time, been filed ?	No
4. Has the document of authorisation, Vakalat-nama been filed ?	Yes
5. Is the application accompanied by B D /Postal-Order for Rs. 50/-	Yes (B D /Postal-Order for Rs. 50/-)
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes (Attested by Gazetted Officer)

C.A. 50 of 2008

Case No. Khushi Devi vs. U.O. 2008

Circuit Court

(82)

30.6.08 Mr. S. K. Sharma, TM

Advocate, Court House for the
15.8.08, 15.9.08

15.9.08 for hearing.

2/1

Notice issued

2/1

19.9.08. Subodh Sharma Advocate in
present on behalf of Applicant/Counsel.

Put up the case on 26.10.08
for filing reply.

2/1
D.R.

Called on

Applicant Counsel

Mr. D.S. Chaurhary

Advocate, Court

25.11.08 + reply

2/1

26/10/08

Ar/
2

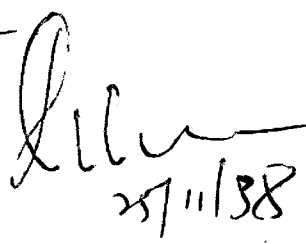
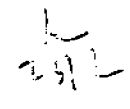
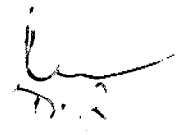
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT COURT AT LOS ANGELES

C.A./T.A. No. 50 1988 (L)

Dr. R.K. Devi Applicant(s)

Versus

U.C.I. Respondent(s)

Cr. No.	Date	Orders
1	25.11.88	L. D.S. Choubey Applicant is present. Reply not filed today for 23.12-88 for reply reminder  25/11/88
2	29.12.88	<u>D.R.</u> On the report of applicant's counsel, the case is adj. to 23.1.89. L.A.  23/12
3	23.2.89	<u>D.R.</u> The counsel for applicant today filed the reminder. The case is adjourned to 10/3/89  D.R.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/ 10207 1027

Dated : 10-3-27

Registration No. O.A. 50 of 1938
T.A.

Sent - Ram. K. Singh. P. V. Applicant's

Timing of growth and other Respondent's

A copy of the Tribunal's Order/Judgement dated 17.3.25 in the abovenoted case is forwarded for necessary action.

DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 17-3-85

To.

- ① Shri D.S. Chaudhary. Ad. E/A
② P.N. Mehta. Ad. E/A

dimesh/

29/5/21

Rec. 84
D-1-101

Am

_____ of _____, _____, _____.

_____ of _____.

_____ of 1988.

_____ of _____
_____.

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_____ of _____
_____.

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_____.

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1. _____.

1-6

2. _____
_____ of _____
27-6-1988.

10-11

3. _____
_____ of _____
of _____.

12-13

4. _____
_____ of _____
12-12-1988.

14-15

5. _____
_____ of _____
of _____.

16-17

Be
Listed on 20.6.88
Aug
12/8
Kolo
Dre
13/6/89

11/12/88

14/12

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- | | | |
|-----|--|-------|
| 6. | <u>Annexure No.5.</u>
Public Notice dated
18-10-1987. | 18-19 |
| 7. | <u>Annexure No.6.</u>
O.M. dated 17-1-1987
of opposite party No.2. | 20-21 |
| 8. | <u>Annexure No.7.</u>
Deputy Jee Sahay's
letter dated 2-7-1987
for employment | 22. |
| 9. | <u>Annexure No.8.</u>
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on 7-1-1988. | 26 |
| 12. | Verbal Notice. | 27 |
-

Lucknow. : Dated:

June 13, 1988.

5/11/2017 देवी
Signature of
Advocate.

Dr. Chandra
Advocate

5/11/2017 देवी

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In the Hon'ble Council of Administration, Government of India,
Ministry of Health, Lucknow.

Notification No. _____ of 1955.

Smt. Sanjivani Devi, aged about 40 years, wife of
Late Sri Sri Lal, resident of Banhiara, Post ^{Ain,} ~~_____~~
District, Lucknow.

Applicant.

Whereas.

1. Director General, Council of Scientific and
Industrial Research, New Delhi.
2. The Director, National Botanic Research
Institute, Lucknow.
3. *For the purpose of the employee working in the
National Botanic Research Institute, Lucknow.*

Notification No. Section 19 of the
Administrative Code, 1955.

1. Particulars of the Applicant.

- (1). Name of the Applicant: Smt. Sanjivani Devi.
- (2). Name of Husband: Late Sri Sri Lal.
- (3). Designation and office in which husband was employed: Junior Assistant.
- (4). Office address: National Botanic Research Institute Library, Lucknow.

रामसुखी देवी

(c). Address for
service of
notice.

Assistant Village:
Lambhara, Post ^{Ain} / District,
Ludhiana.

2. Particulars of respondents.

(1). Director General, Council of Scientific &
Industrial Research, New Delhi.

(2). The Director, National Botanic Research
Institute, Lucknow.

3. Particulars of the order against which application
is made.

(1). Order No.	{ The application is for appoint-
(2). Date:	{ ment of applicant under the
(3). Issued by:	{ opposite parties for which she
(4). Subject in brief.	{ is entitled on compassionate
	{ grounds on account of the death
	{ of her husband, Late Shri
	{ Ori Lal Singh, Cataloguer
	{ Assistant, National Botanic
	{ Research Institute, Lucknow
	{ and expired on 13-5-1986.

4. Jurisdiction of the Tribunal.

The applicant declares that
the subject matter of the
order against which she wants
redressal is within the
jurisdiction of this Hon'ble
Tribunal.

5. Limitation:

The applicant further
declares that the application
is within the limitation
prescribed in Section 21 of
the Administrative Tribunal
Act, 1985.

5/11/86 28

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6. Facts of the case.

(1) The applicant's husband, Late Shri Ori Lal was working as Cataloguer Assistant in Library of National Botanic Research Institute, Lucknow. He expired on 13-5-1986 on account of sudden heart attack leaving behind the applicant, two school going sons and one minor daughter besides one married step son.

(2) The applicant made request to the opposite party No.2 vide application dated 27-6-1986 for the appointment of her real son, Shri Arun Kumar who has passed Intermediate on any Class-III post. True copy of her application dated 27-6-1986 is enclosed as Annexure-1 to this application.

The applicant was informed by the opposite party No.2 vide his office memorandum dated 29-10-1986 that a similar request was also received from the step son of the applicant, Shri Vinod Kumar and therefore, unless ~~that~~ she compromised with her eldest son and resubmits the case choosing one adult in the family, it was not ~~be~~ possible to process the matter. True copy of this office memorandum is enclosed as Annexure-2 to this application.

31/11/86 3/11/86

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- 14 -

(3) The applicant in reply pointed out on 6-12-1986 that she never gave consent for appointment of Vinod Kumar her step son and she does not have hope of getting help for the family from Vinod Kumar and therefore, she requested that her real son, Shri Arunod Kumar may be given employment. A true copy of this application is enclosed as Annexure-3 to this application.

(4) The applicant was subsequently informed by the opposing party No.2 vide his O.M. dated 9-10-1987 that if she is herself interested for employment, she may submit her application in the prescribed form. A true copy of this O.M. is enclosed as Annexure-4 to this application.

(5) The applicant submitted her application in the prescribed form along with her application dated 28-10-1987. However, she submitted that although, she does not have no objection to be appointed, her request for employment of her real son, Shri Arunod Kumar may kindly be considered sympathetically. A true copy of her application dated 28-10-1987 is enclosed as Annexure-5 to this application.

31/12/21 23

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-: 5 :-

(6) The applicant is informed by the opposite party No.2 vide his C.M. dated 17-11-1987 to submit her application soon immediately and not later than 28-11-1987. A true copy of C.M. dated 17-11-1987 is enclosed as Annexure-2 to this application.

(7) The applicant further states that a letter containing No.4(18)/86-1-1 dated 3-7-1987 was received from Sri C.L. Mann, Deputy Secretary, in the office of opposite party No.1 to the opposite party No.2 giving notice for appointment of the retention of the applicant, Sri Armod Kumar on compassionate grounds. A true copy of this letter is enclosed as Annexure-3 to this application. The applicant further submitted another application on 28-11-1987 addressed to the opposite party No.1 for issuing appointment order in favour of her retention, Sri Armod Kumar. A true copy of application dated 28-11-1987 is enclosed as Annexure-4 to this application. It is further stated that in reply to the C.M. dated 9-10-1987 of opposite party No.2, the son of the applicant had already intimated to the opposite party No.2 vide his letter dated 28-11-1987 that the applicant being out of the country is unable to submit application in time.

3.1.21/3.1.21/3.1.21

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- 3 -

The Application Form duly filled in is over,
submitted in the Office of opposite party No.2 on
5-1-1988. A true copy of letter dated 20-11-1987
of the applicant's son is enclosed as enclosure-1
to this application. A true copy of applicant's
application given in the office of opposite party
No.2 on 5-1-1988 is also enclosed as enclosure-2
to this application.

(8) Since then, the applicant has not been
made to hear anything from the opposite parties
and on account of non-employment of her real son,
Shri Promod Kumar she continues to face extreme
financial hardships. She reached at the stage
of starvation.

8 para on 10 page has been added

7. Relief sought:

In view of the facts mentioned in para 6
above, the applicant prays for the following
reliefs:-

- (1) The real son of the applicant, Shri
Promod Kumar may kindly be directed to be given
appointment on any Class-III post according to
his qualification.

(2) on 10th page
as in original certificate,

The opposite parties may be directed to
give suitable employment to the applicant
time to time without any loss of time.

512123211 24-1

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8. Interim order, if any.

The applicant's last issue of interim relief to the effect to give employment to her real son, Shri Armod Kumar without loss or loss of time so as to save her and her family from facing starvation.

9. Details of the remedy exhausted.

The applicant declares that she has availed all the remedies available. She has failed to get any relief departmentally in spite of last request for employment made on 5-1-1938.

10. Matter not pending with any other courts etc.

The applicant further declares that the matter regarding which the application has been made is not pending before any court of law or any other authority or has been rejected by any court of law or any other Bench of the Tribunal.

11. Particulars of Cash or Postal Order in respect of the claimant:-

(1.) No. of Indian Postal Order.

DD/5/476828 amounting to Rs 50/- (fifty) only

31.12.38 12.2

:- 3 :-

- (2). Name of issuing Post Office. *Ganeshganj, Lucknow*
- (3). Date of issue of postal order. *18-6-1983.*
- (4). Post Office at which payable. *Allahabad*
G.O., ~~Allahabad~~.

12. Details of index.

An index in duplicate containing of the documents to be relied upon is enclosed.

13. List of enclosures:

- (1) Application dated 27-6-1983.
- (2) O.M. dated 24-10-1987 of opposite party No.2.
- (3) Application dated 8-12-1986.
- (4) O.M. dated 4-10-1987 of opposite party No.2.
- (5) Application dated 24-10-1987.
- (6) O.M. dated 17-11-1987 of opposite party No.2.
- (7) Deputy Secretary's letter dated 3-7-1987 for employment.
- (8) Representation dated 23-11-1987.
- (9) Letter dated 23-11-1987 Shri Fromod Kumar.
- (10) Application sent on 5-1-1988.

31/12/87 48

VERIFICATION

I, Smt. San Chauli Devi, aged about 40 years,
Widow of Late Shri Ori Lal, resident of ...
Post and District Lucknow do hereby state the contents
from 1 to 13 are true to my personal knowledge and
belief and that I have not suppressed any material
facts.

Lucknow: Dated:

June 13, 1938.

Signature of
the Applicant.

Dr. Chaube
Advocate

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12

In the Hon'ble Central Administrative Tribunal, Allahabad
Lucknow Bench Lucknow.

Appln. Registration No. of 1988.

Smt. Nam Khushi Devi

Applicant

Versus

Director General, Council of
Scientific & Industrial Research,
New Delhi and others.

Respondents.

Annexure No. 4

To,

The Director,
National Botanical Research Institute,
Lucknow.

Sub: Appointment of my elder son in Class III post
on compassionate grounds.

Sir,

Most respectfully I beg to lay down the following few
lines for your kind consideration and early sympathetic orders
please:-

- (1) That my husband late Sri Ori Lal was working under your
kind control as Cataloguer Asstt. in Library of N.B.R.I.
Lucknow.
- (2) That my husband late Sri Ori Lal expired on 13.5.1986
out of sudden heart attack leaving behind myself, two
school going sons and one minor daughter beside one
married step son.
- (3) That I have got no other source of earning my livelihood
except a little agricultural land ~~xxxx~~ which is hardly

21/12/88 20/12/88

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sufficient to meet the both ends. The further liability of my sons and daughter's educational expenditure, their marriages and maintenance is beyond my reach in these hard days. It is apprehended that myself and my family may face starvation in case of any natural calamities to crops.

(4) That my elider son named Pramod Kumar has this year passed Intermediate Examination/1986 from U.P. Education Board.

(5) That my step son named Vinod Kumar who has been engaged on daily wages in Library has mis-behaved with me on several occasions in the past being step mother and I do'nt hope that if this boy is appointed on compassionate grounds will help me in maintaining my family.

Under the above circumstances, I very humbly pray your honour to kindly consider the appointment of my real son Pramod Kumar who has passed Intermediate Examination against some class III post on compassionate grounds to enable me to pull on my family burden.

I shall be ever grateful to you for this act of your kindness.

Yours faithfully,

Dated: 27.6.1986.

sd/-Smt. Ram Khushi Devi
Widow of Late Sri Ori Lal,
Cataloguer Asstt. M.B.A.I. Library
Lucknow
Resident of/ Village Kanni Khara
Post: Ain, Distt: Lucknow.

TE
D.F. Chandra
Advocate
B/G

8/8/2021 3:07

12
14/14

In the Hon'ble Administrative Central Tribunal, Allahabad
Lucknow Bench Lucknow.

Appln. Registration No. of 1988.

Smt. Ram Khushi Devi

Applicant

Versus

Director General, Council of
Scientific & Industrial Research,
New Delhi and others

Respondents.

Annexure No. 2

NATIONAL BOTANICAL RESEARCH INSTITUTE, LUCKNOW.

(Council of Scientific & Industrial Research)

No. B.2/35/86-DI(Vol.II)

Dated the 29th Oct. 1986.

OFFICE MEMORANDUM

Subject: Appointment on compassionate grounds of a family member of Late Shri Ori Lal, Ex-Catalogue Assistant, NBI, Lucknow request for.

With reference to her request for providing appointment on compassionate grounds to her son Sri Promod Kumar, Smt. Ram Khushi Devi, widow of Late Shri Ori Lal, Ex-Catalogue Assistant, NBI, Lucknow, is hereby informed that it may not be possible for this Institute to consider her request, as a similar request has also been received from her eldest son, Shri Vinod Kumar. In view of the above, unless she compromises with her eldest son and they re-submit the case choosing one adult in the family for consideration,

24-28208 3.71

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-2-

for providing appointment on compassionate grounds, it
will not be possible for us to process the matter further.

sd/-

ADMINISTRATIVE OFFICER

Smt. Ram Khushi Devi,
S/O Late Sri Ori Lal,
Ex, Catalogue Assistant (IBRI)
Village : Kanni Khera,
Post: Aia
Distt. Lucknow.

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Dixhaube
Adv
13/6/88

सं. 1292/13 दि. 13/6/88

114
(H4/16)

In the Hon'ble Central Administrative Tribunal, Allahabad
Lucknow Bench Lucknow.

Appln. Registration No. of 1988.

Smt. Ram Khushi Devi

Applicant

Versus

Director General, Council of
Scientific & Industrial Research
New Delhi and others

Respondents.

Annexure No. 3

सेवा में,

निदेशक,
राष्ट्रीय बनस्पति अनुसंधान अनुसंधान संस्थान,
लखनऊ।

विषय: पर नियुक्ति के संबंध में प्राप्त पत्र सं०:जी-2/35/86ई
का-स्पष्टीकरण।

महोदय,

निवेदन है कि आपके कार्यालय द्वारा प्रेषित पत्र प्राप्त हुआ। पत्र का अध्ययन करने पर ज्ञात हुआ कि पत्र एक पक्षीय लिखा गया है क्योंकि समझौता एक तरफ से नहीं हुआ करता है। इस सम्बन्ध में मुझे कुछ बातें कहनी हैं जो निम्न प्रकार हैं:-

- 1- यह कि जहाँ तक मुझे ज्ञात है कि मृत्यु के उपरान्त एवं Compassionate Ground पर नियुक्ति हेतु पत्नी की सहमति का होना आवश्यक है। जो मुझे कभी नहीं माँगी गई।
- 2- यह कि आपने अपने पत्र में समझौता करने को कहा है ऐसा करने का कोई औचित्य समझ में नहीं आता जबकि मैं अपने पुत्र, पमोद कुमार के बारे में नियुक्ति हेतु सहमति दे चुकी हूँ।
- 3- यह कि आपके पत्र से यह स्पष्ट नहीं है कि विनोद कुमार की नियुक्ति कितनी सहमति द्वारा की गई।
- 4- यह कि सम्भावित: Compassionate ground पर नियुक्ति परिवार की सहायताार्थ की जाती है और यह मैं पहले भी आगे बता

रामरुशी देवी

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बुकी है कि विनोद कुमार से परिवार के सहायता की उम्मीद नहीं की जा सकती ।

साथ ही यह भी अवगत कराना है कि वांछित भूगतान जी०पी०एफ०, बीमा आदि अब तक लम्बित है ।

अतः अनुरोध है कि उक्त बातों को ध्यान में रखते हुए श्री प्रमोद कुमार को नियुक्त कर मेरी उत्पीड़न कम करने की कृपा करें अन्यथा मुझे बाध्य होकर उच्चाधिकारियों को लिखना पड़ेगा ।

प्राप्ति

दिनांक 8.12.1986.

ह०/राम ठासी देवी

पत्नी स्व० श्री गोरी लाल

कैटलागर असिस्टेंट

ग्राम कन्नीछोडा

पोस्ट-रेन

जिला लखनऊ ।

TC
D. S. Chakraborty
A. D. R.
13/6/88

राम ठासी देवी

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Aug 18

In the Hon'ble Central Administrative Tribunal, Allahabad
Lucknow Bench Lucknow.

Appln..registration No. of 1988.

Smt. Ram Khushi Devi

Appli cant

Versus

Director General, Council of
Scientific & Industrial Research,
New Delhi and others

Respondents.

Annexure No. 4

REGISTERED

NATIONAL BOTANICAL RESEARCH INSTITUTE, LUCKNOW.

(Council of Scientific & Industrial Research)

No.F.2/35/86-III(Vol.II) Lucknow, dated 9.10.1987.

OFFICE MEMORANDUM

Subject:- Appointment on compassionate grounds
request regarding.

With reference to her request for providing
appointment on compassionate grounds to her son Shri
Pranod Kumar, Smt. Ram Khushi Devi, widow of late Shri
Ori Lal, Ex-Catalogue Assistant. B.M.I, Lucknow, is hereby
informed that the matter has been decided that in case
Smt. Ram Khushi Devi herself is interested for being
considered for providing Appointment on compassionate
grounds, she is requested to submit the enclosed application

21.10.87

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forms (2 copies) duly filled in and completed at an early date for necessary action in the matter.

Encl: As above.

sd/-

ADMINISTRATIVE OFFICER

Smt. Ram Kushi Devi,
W/O Late Shri Ori Lal,
Ex-Catalogue Assistant (IBRI)
Village: Kanni Khera,
Post; Ain,
Distt: Lucknow.

TC
Dixhaube
Advocate
13/6/88

रामकृष्ण देव

In the Hon'ble Central Administrative Tribunal, Allahabad

Lucknow Bench Lucknow.

Appln. Registration No. of 1988.

Smt. Ram Kishori Devi

Applicant

Versus

Director General, Council of
Scientific & Industrial Research,
New Delhi and others

Respondents.

Annexure No. 5

To,

The Director,
IBAI,
Lucknow.

Subject: Appointment on compassionate grounds request
regarding.

Sir,

With reference to your letter (O.M.) No.F.2/35/86-
E-II(Vol.II) dated 9th October, 1987 on the above mentioned
subject, I am returning herewith the form duly completed as
desired by you. In this connection, I wish to point out
that while I will have no objection to be appointed on
compassionate grounds, but I would request you to consider
the case of compassionate appointment of my son, Shri
Promod Kumar because through out my life, I have only led a
life of house-wife and is not customary to such professional
job due to orthodox system prevalent in our Society;

31/10/87

However, I wish to obey your order and will be eagerly awaiting for the compassionate appointment orders. Needless to say that on account of sudden demise of my husband, I am facing lot of financial problems and is on the verge of starvation and only your kind help by providing appointment can save me from this grave situation.

I shall be extremely grateful for an urgent action in the matter.

Yours faithfully,

23rd. Oct. 1987.

sd/-Smt. Ram Khushi Devi
W/O Late Shri Ori Lal
Ex-Catalogue Assistant (IBRI)
Village: Kanni Khara,
Post: Ain,
Distt. Lucknow.

To
D. S. Chandra
13/6/88

रामखुशी देवी

22

In the Hon'ble Central Administrative Tribunal, Allahabad
Lucknow Bench Lucknow

Appln.Registration No. of 1988.

Smt. Ram Khushi Devi

Applicant

Versus

Director General, Council of
Scientific & Industrial Research,
New Delhi and others.

Respondents.

Annexure No. 6

NATIONAL BOTANICAL RESEARCH INSTITUTE, LUCKNOW
(Council of Scientific & Industrial Research)

No.F.2/35/86-BII(Vol.II)

Dated the 17th Nov.1987.

OFFICE MEMORANDUM

Subject: Appointment on compassionate grounds
request regarding.

In continuation of this office memorandum of
even number dated 9.10.1987 on the abovenoted subject
Smt. Ram Khushi Devi, widow of late Shri Ori Lal, Ex-
Catalogue Assistant, NBRI, Lucknow is once again requested
to submit duly filled in application forms immediately,
but in any case not later than 25th Nov. 1987.

If the application forms are not received
in this Institute by the stipulated date, it will be

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presumed that she is not interested in getting her case considered for being ~~appointed~~ appointed on compassionate grounds.

ADMINISTRATIVE OFFICER

Smt. Ram Khushi Devi,
W/O Lare Shri Ori Lal,
Ex- Catalogue Assistant (IBRI),
Village: Kanni Khara,
Post: Ain,
Distt: Lucknow.

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In the Hon'ble Central Administrative Tribunal, Allahabad
Lucknow Bench Lucknow.

Appln. Registration No. of 1988

Smt. Ram Khushi Devi

Applicant

Versus

Director General, Council of
Scientific & Industrial Research,
New Delhi and others

Respondents.

Annexure No. 7

No. 4(13)/86-E-II

July, 1987.

The Director,
National Botanical Research Institute,
Rana Pratap Marg,
Lucknow-226001.

Sub: Appointment on compassionate ~~Institute~~ grounds

Sir,

With reference to your letter No.F.2/35/86-EI(Vol.II) dated 21st May 1987 on the above subject, I am directed to state that the matter has been considered in consultation with Legal Adviser, CSIR who has opined that the request of the widow for appointment of her son Shri Parmod Kumar may kindly be considered for appointment on compassionate grounds

It is, therefore, requested that further action in this regard may kindly be taken in exercise of the powers vested in you vide this office circular letter No.5(14)/87-E.II dated 3rd April, 1987.

Yours Faithfully,

sd/- S.P. Khanna
3.7.87

Deputy Secretary.

TC
M. Chandra

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In the Hon'ble Central Administrative Tribunal, Allahabad
Lucknow Bench Lucknow.

Appln. Registration No. of 1988

Smt. Nam Khushi Davi Applicant

Versus

Director General, Council of
Scientific & Industrial Research
New Delhi and others Respondents.

Annexure No. 8

To,

The Director General
Council of Scientific & Industrial Research,
New Delhi.

Respected Sir,

Sub: Appointment of my son Pranod Kumar on
Compassionate grounds.

Ref: Dy.Secretary/CSIR/ New Delhi's letter No.4(13)
86-1-II dated 3.7.1987.

In connection with the above, I meet respectfully beg
to submit the following few lines for your kind consideration
and favourable orders please:-

- (1) That my husband late Sri Ori Lal who expired on 13.5.1986
was working as Catalogue Assistant in the Library of N.B.R.I.
Lucknow.
- (2) That my husband left behind me, two school going sons
and one small daughter aged 11 years.
- (3) That in absence of any sound source of income except
the meagre amount of family pension, I had applied for the

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appointment of my elder son pramod Kumar aged
has passed Intermediate Examination from U.P. Board.

(4) That one of my step son named Vinod Kumar has been engaged on daily wages by the authorities of M.B...I., Luck without my consent. This step son not the least helps me and he also misbehaved me on several occasions during the life time of my late husband.

(5) That my request for appointment of my real elder son Pramod Kumar was considered in your office and necessary instructions were issued by the Deputy Secretary, CSIR/New Delhi to the Director, IBRI/Lucknow vide his letter referred to above, but the same has not been honoured by the Director IBRI/Lucknow.

(6) That the Director, IBRI/Lucknow is adopting dilatory tactics in appointing my son Pramod Kumar on compassionate grounds.

(7) That I am facing very hard days in maintaining myself and school going children out of meagre amount of family pension.

In view of the above, I very humbly pray your honour to kindly issue appointment orders of my son Pramod Kumar on compassionate grounds just to save myself and my 3 children from starvation.

I shall be ever grateful to you for this act of your kindness.

23rd Nov. 1937.

Yours faithfully

sd/- Ran Khushi Devi
Widow of Late Sri Ori Lal

14/11/37

TC
D. S. Chandra
30/11/37



In the Hon'ble Central Administrative Tribunal, Allahabad
Lucknow Bench Lucknow.

Appln. Registration No. of 1988.

Smt. Ram Khushi Devi

Applicant

Versus

Director General, Council of
Scientific & Industrial Research
New Delhi and others

Respondents.

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कन्नीछोड़ा

26.11.1987.

सेवा में,

निदेशक,
राष्ट्रीय वनस्पति अनुसंधान संस्थान,
लखनऊ ।

महोदय,

निवेदन है कि मेरी माँ बाहर गई है। अतः उन्हें समय पर
पहुँच पाना सम्भव नहीं है। अतः उनके लौटने पर ही आपके सामने
उपस्थित होना सम्भव हो सकेगा ।

प्रार्थी

ह०/प्रमोद कुमार
पुत्र स्व० श्री ओरी लाल
ग्राम-कन्नी छोड़ा
पो०-रैन
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In the Hon'ble Central Administrative Tribunal, Allahabad
Lucknow Bench Lucknow.

Appin. Registration No. of 1988.

Smt. Ram Khushi Devi

Applicant

Versus

Director General, Council of
Scientific & Industrial Research
New Delhi and others

Respondents.

Annexure No. 10

सेवा में,

निदेशक,
राष्ट्रीय वनस्पति अनुसंधान संस्थान,
लखनऊ ।

महोदय,

आपके निदेशालय पत्रांक एफ-2/86/आईएचएल-118 दिनांक
9.10.1987 के अनुपालन में मैं राम छुशानि देवी पत्नी स्व० श्री लोरी
लाल कम्पनसेट ग्राउन्ड पर नियुक्ति हेतु आवेदन पत्र प्रस्तुत करती हूँ ।

भावदीय,

ह०/ राम छुशानि देवी
पत्नी श्री लोरी लाल
कैटालोजी एसिस्टेंट
राष्ट्रीय वनस्पति अनुसंधान
संस्थान, लखनऊ

स० : आवेदन पत्र दो प्रतियों में ।

TE
J. S. Chakraborty
13/10

आवेदन संख्या 27

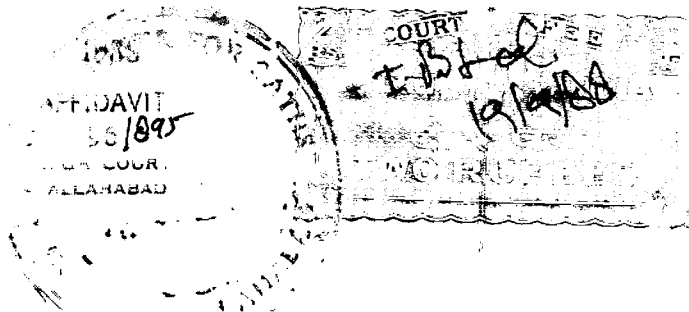
AS

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
(Circuit Bench, Lucknow)

PETITION NO. 50 of 1988 (4)

COUNTER AFFIDAVIT OF RESPONDENT NO.2.

Fixed for 19.9.1988.



Smt. Ram Khushi Devi.

....Petitioner.

Versus

Director General CSIR & others.

....Respondent.

I, I.B.Lal, aged about 50 years, son of Shri S.P.

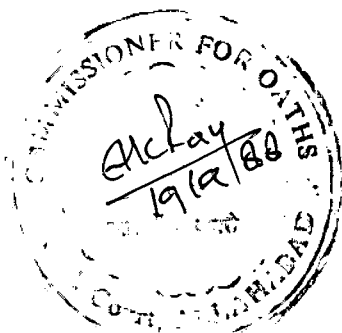
Srivastava, Section Officer, National Botanical Research

Institute, Raja Pratap Marg, Lucknow, solemnly state on oath
as under:-

1. That the deponent is Section Officer in the National Botanical Research Institute, Lucknow and is acquainted with the facts of the case. He is authorised to file this counter-affidavit to the petition filed by Smt. Ram Khushi Devi.

2. That before submitting parawise reply to the petition, the deponent is advised to state certain material facts in the subsequent paragraphs.

3. That one Ori Lal was working as a Cataloguer Assistant in National Botanical Research Institute, Lucknow.



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Unfortunately he died on 13.5. 1986 while he was still under employment. On compassionate grounds, his eldest son, Vinod Kumar was given engagement in Class D on daily wages basis in order to provide immediate relief to deceased official's family. Later Mrs. Ram Khushi Devi, the widow of the late employee was offered a Group D job which was not availed of by her.

4. That the petitioner, Smt. Ram Khushi Devi, the widow of the deceased was granted family pension of Rs. 560/- P.M. and also a Dearness Relief of Rs. 99/- per month. She has been paid a lump sum amount of Rs. 59,609/- on account of Death-cum-Retirement Gratuity, New Group Insurance Scheme, General Provident Fund, deposit link insurance and leave encashment.

5. That the Respondents have learnt that Shri Ori Lal had left behind landed property from which an income of Rs. 300/- per month is being derived. A true copy of the Certificate issued by the District Magistrate to that effect dated 4.6.1986 is ANNEXURE NO. 2-1.

6. That the petitioner wanted that her other son, Pramod Kumar, may also be given employment on compassionate grounds. But as that is not possible under the circumstances, she has approached the Hon'ble Tribunal.

7. That under the Employees' Welfare Scheme the Council of Scientific and Industrial Research has issued

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FOR OFFICIAL USE
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guidelines ✓
2 *guidelines* ✓
guidance for giving compassionate appointment to the children or near relatives of deceased employees. These *guidelines* ✓
2 *guidelines* ✓
guidance are contained in office Memorandum dated 30th June, 1987. A true copy of the same is ANNEXURE NO. A-2.

8. That from a perusal of Annexure A-2 it would appear that the Council of Scientific and Industrial Research had adopted the same *guideline* ✓
guideline ✓
the Government of India. The *guideline* ✓
an employee dies in harness and where the Head of the Department is satisfied that his family is in indigent circumstances or is in great distress, then on compassionate considerations employment may be given to a son or daughter or a near relative of such employee. The giving of employment is purely discretionary and may be given only when compassionate considerations arise due to great economic distress or indigency of the family where the bread earner of the family had expired and there are no means for the sustenance of the family. Besides this, the limitations are that only to direct recruitment post, if available, an appointment can be given if the relative concerned is sufficiently qualified for the post.

9. That since one of the sons of late Sri Ori Lal has already been given engagement and since the widow is sufficiently provided with by release of pension and other funds etc. as mentioned above and since she has also an income of Rs. 300/- per month from the property left by the

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deceased, she or her family could not be considered to be indigent persons. They do not come within the category of persons in economic distress who have to be provided for because there are no means of sustenance available to the family. Moreover the widow has already showed no interest in accepting a regular appointment earlier offered to her. Under the circumstances the discretion of the Head of the Department had been correctly and rightly exercised for not giving any further relief or benefit on compassionate grounds by providing employment to the second son of the deceased as well.

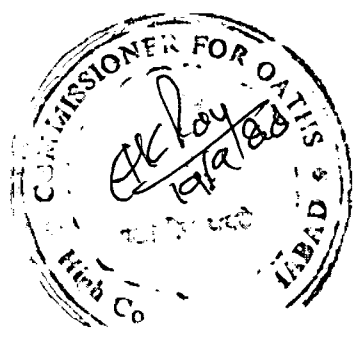
10. That under the circumstances it is respectfully submitted that the claim of the petitioner is misconceived and deserves to [✓]~~be~~ [✓]be rejected.

11. That now the deponent is giving parawise reply to the averments made in the petition.

12. Paras 1 to 5 of the proforma of the petition do not require any reply.

13. Paras 6 (1) to 6 (6) are not disputed.

14. Regarding para 6 (7) it is submitted that the letter of Sri J.P. Khanna, Deputy Secretary referred to in this paragraph is a confidential letter which forms part of internal correspondence. This is the privileged document and cannot be considered to be the evidence of any fact. It is respectfully submitted that the Indian Evidence Act provides that internal correspondence is



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privileged if the various officers within the department are not able to put their point of view with candour, it might not be possible for the Head of the Department to get all the possible view points in order to come to the conclusion. It is submitted that the advice given by the Deputy Secretary is not final and binding. The opinion was to be formed by the Director of N.B.R.I. who is the Head of the Department. He took into consideration the relevant circumstances and whatever he ultimately decided would govern the matter.

15. Para 6 (8) is not admitted because the petitioner is not in extreme financial hardship and has wrongly stated that she is at the stage of starvation.

16. Paras 7 and 8 are not admitted.

17. Paras, 9, 10, 11, 12 and 13 do not require any reply.

18. That the deponent is advised to state that in the circumstances of the case the petition is liable to be dismissed with costs.

Lucknow, Dated.

September 14th 1988.

Bew
(I. B. LAL)
DEPONENT.

I, the deponent above named do hereby verify that the contents of paras [✓]1, 2, 3, 4, 6, 9, 10, 11[✓] of this counter affidavit are true to my own knowledge, contents of paras [✓]5, 7, 8[✓] are believed by me to be true on the basis of records, while the contents of paras

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Bew

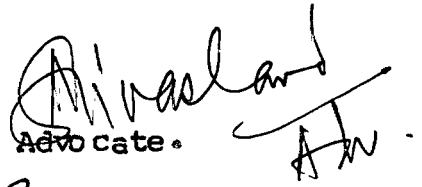
✓ 14/12/

✓ are believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed. So help me God.



DEPONENT.

I identify the deponent above named who has signed before me and is personally known to me.



Advocate.

Solemnly affirmed before me on 19.9.88
at...the deponent who is identified by
Sri A. S. Varma Advocate, High Court,
Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit which have been read over and explained by me.





OATH COMMISSIONER,
High Court, Lucknow Bench,
LUCKNOW.
19/9/88

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
(Circuit Bench, Lucknow)

Petition No. 50 of 1988(4)

Smt. Ram Khushi Devi.

....Petitioner.

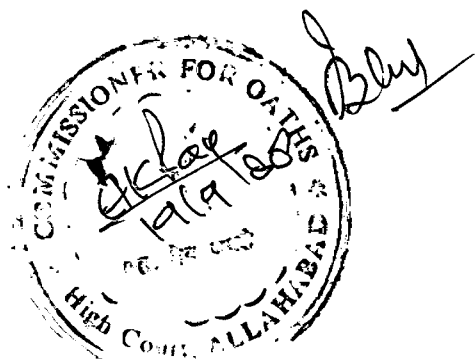
Versus

Director General CSIR & others.

...Respondents.

ANNEXURE NOA -1.

(Photostat copy of the Certificate issued by the
District Magistrate dated 4.6.1986 is annexed
herewith)



~~AS~~

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[Handwritten signature]

[Handwritten signature]



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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,

(Circuit Bench, Lucknow)

Petition No. 50 of 1988 (4)

Smt. Ram Khushi Devi.

.....Petitioner.

Versus

Director General CSIR & others.

....Respondents.

ANNEXURE NO.....A-2.

(Photostat copy of the Office Memorandum dated 30yth

June, 1987 is annexed herewith)

Devi



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COUNCIL OF SCIENTISTS, THE OFFICIAL RECORDS
AND RECORDS BRANCH
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No. 17(108)/78-E.11

No. 17(108)/78-E.11, dated 7th July, 1987

From

Joint Secretary
CSIR.

To

Head of the National Botanical Institute.

Subject : Consolidation of appointment of son/daughter/nephew of deceased Government servant - Consolidated Instructions.

Sir

I am directed to forward a copy of Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions S.O. No. 74014/0/80-Estt(D, dated 30.6.1987 on the above noted subject for their kind information and guidance.

Yours faithfully,

J.F. Khanna

(J.F. Khanna)
Deputy Secretary

Encl. as above.

NATIONAL BOTANICAL RESEARCH INSTITUTE, LUCKNOW.

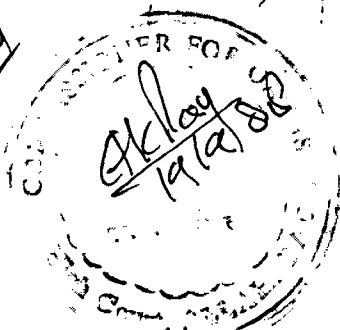
No. 17(108)/78-E.11

Copy to:

Dated 2-7-1987

1. Section Officer(E)
2. Section Officer(G)
3. S.P.A.
4. P.A. to A.D.(SG)
5. Sr. P.A.C.
6. Guard File
7. Office Copy

SECTION OFFICER



45/11

Ministry of Personnel, Public Grievances
and Pensions
Department of Personnel & Training

New Delhi, the 30th June, 1972

OFFICE MEMORANDUM

Subject: - Compassionate appointment of son/daughter/near
relative of deceased Government servant -
Consolidated Instructions

.....

The undersigned is directed to say that instructions have been issued by this Department for the guidance of all officers and employees to be followed in making compassionate appointments of sons/daughters/near relatives of deceased Government servants. For facility of reference, the order issued on the subject have been simplified and consolidated in this Office Memorandum.

In order to be considered:

- (a) To a son or daughter or near relative of a Government servant who dies in harness including death by suicide, leaving his family in immediate need of assistance, when there is no other earning member in the family.
- (b) In exceptional cases when a Department is satisfied that the condition of the family is indigent and is in great distress, the benefit of compassionate appointment may be extended to a son/daughter/near relative of a Government servant retired on medical grounds under Rule 38 of Central Civil Services (Pension) Rules, 1972, or corresponding provisions in the Central Civil Service Regulations before attaining the age of 55 years. In case of Group 'A' employees whose normal age of superannuation is 60 years, compassionate appointment may be considered where they are retired on medical grounds before attaining the age of 55 years.

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-3-

(1) Where a widow or applicant for commission is provided to a lower post, she will be exempted from the requirement of educational qualification, provided the holder of the post is a satisfactorily married woman having the educational qualification of Middle Standard as prescribed in the Recruitment Rules.

(2) In deserving cases where there is an earning member in the family, a son/daughter, or relative of the deceased Government servant, leaving his family or mistress may be considered for appointment with the prior approval of the Secretary of the Department concerned and, before approving the appointment, will satisfy himself that the grant of concession is justified having regard to the number of dependents, the assets and liabilities left by the deceased Government servant, the income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the deceased Government servant and whether he should not be a source of support to the other members of the family.

5.

Extent to which compassionate appointments can be made.

The appointing authorities may ensure that total reservation for Scheduled Caste, Scheduled Tribes, Physically handicapped persons and Ex-servicemen, the details of which are given below, together with carry forward reservation (which at present is applicable only in respect of SC/ST and Physically handicapped persons) should not exceed 50% of the vacancies available on any particular occasion:

- * (i) Scheduled Caste --- 15%
- * (ii) Scheduled Tribes --- 7 $\frac{1}{2}$ %
- (iii) Ex-servicemen --- 10%

OK/19/20

Dev

4/13

adequate proof to show that the family had some dependable means of subsistence. Therefore, examination of such cases is call for a great deal of circumspection. The decision in these cases may be taken at the level of Secretary only.

Widow appointed on compassionate grounds retired

A widow appointed on compassionate grounds will be allowed to continue in service even after re-marriage.

Selective approach:

- (a) The appointments made on grounds of compassion should be done in such a way that persons appointed to the post do have the essential educational and technical qualifications and experience required for the post consistent with the requirements of maintenance of efficiency of administration.
- (b) It is not the intention to restrict employment of son/daughter/near relative of deceased Group 'D' employee to a Group 'D' post only.

As such, a son/daughter/near relative of deceased employee can be appointed to a Group 'C' post for which he is educationally qualified, provided a vacancy in Group 'C' exists.



(c) As the appointments have to be cleared at the level of the Head of Department and as all the vacancies are to be posted for compassionate appointment, it may be ensured that subordinate and field officers get an equitable share in the compassionate appointments.

~~SECRET~~

Final version will follow.

(K.S.R. Krishna Rao)
Deputy Secretary to the Government of India
Tele. No. 3013150

- 



461

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA
IN RE: [Name], [Title]

12/18

Complaint of [Name]

Verdict

Verdict of [Name]

Off. [Name] [Title]
Levi.

[Name]

Verdict

Director General
[Name] and
others.

Components

For [Name]

The applicant is filing in reply to the [Name]
affidavit in the [Name] [Name] [Name] [Name]
[Name] [Name] [Name] [Name] on record.

DX Leuko

Enclosed: [Name]
February 23, 1959.

([Name])
[Name]
[Name] [Name] [Name]

12/18

4/5

- 1 -

3. That the contents of Article 2 of the
affidavit are not denied.

4. That the contents of Article 3 of the
affidavit are not denied. That the
of her husband, Carl Fredrikson, is
Library of National Socialism, Sweden, the
applicant requested the opposite party to point
her real son, Carl Fredrikson, to be passed under the
on any class bill post. She never gave consent nor
appointment of her son, Carl Fredrikson, as she does
not have any hope of getting help for her family from him.
The applicant's application is also submitted to the
in the prescribed form (enclosed to petition) on
10-10-1937. No even, she submitted that she, she does
not have no objection to the employment of her request
for employment of her real son, Carl Fredrikson, any
kindly be considered sympathetically.

5. That the contents of Article 4 of the
affidavit are not denied.

6. That the contents of Article 5 of the
affidavit are not denied. That the
and there is any matter, property, or other
husband, Carl Fredrikson, to be passed under the
and the property, and the

10-10-1937

HC/4

-: 3 :-

counter affidavit is as follows:

7. This is reply to the counter affidavit of the respondent. It is submitted that the respondent is not the real son, Sri Vinod Kumar, to be appointed on compassionate grounds and not for any one else. The respondent is not the son nor she herself has been given appointment in it is why she has been compelled to knock at the door of the Hon'ble Tribunal to get her grievances redressed.

8. This is reply to para 6 and 8 of counter affidavit, it is stated that even the discretion cannot be said to be exercised arbitrarily and at whim-will and pleasure of the authority concerned. The scheme which employs a dependent of the deceased employee is to provide help and assistance to his family members particularly his widow. According to information of the applicant, Sri Vinod Kumar was the employee of daily wages only. ^{employment} ^{appointment} The employment ~~is~~ ^{was} ~~in~~ ^{for} the deceased to make payment against sanctioned post mortem gratuity of rules and regulations and not for appointment of son daily wages. The respondent holds no right to the appointment of her real son, Sri Vinod Kumar, as a permanent son to his Qualification.

श्री प्रहलद सिंह देवेन

[illegible]

10. That the said petitioners are not entitled to any relief or compensation on account of the loss of their property, and that the said petitioners are not entitled to any relief or compensation on account of the loss of their property, and that the said petitioners are not entitled to any relief or compensation on account of the loss of their property.

11. That the parts 1 to 10 of the said Exhibit do not call for any reply from the Government.

12. That the contents of para 11 of counter affidavit are vague, evasive and tendentious. The contents of para 6(7) of the petition are correct and the burden of proof is on the counter affidavit. The contents of para 12 of the petition are correct.

13. That the contents of para 13 of counter affidavit do not have any force and effect. The contents of para 6(8) of the petition are correct and the burden of proof is on the counter affidavit.

14. That the contents of para 14 of counter affidavit cannot sustain any ground for the petition. The contents of para 7 and 8 of the petition are correct and the burden of proof is on the counter affidavit.

15. That the contents of para 15 of counter affidavit are baseless and tendentious.

16. That the contents of para 16 of counter affidavit are baseless and tendentious. The petition is based on forceful grounds of facts and law and deserves to succeed and in the meantime in interim direction may kindly be issued to give employment to her son and son-in-law without delay or hindrance so as to save her and her family from economic hardship.

Encl: 10: Filed:

21-29-2008
10:00 AM

February 23, 1961.

10/2

Verdict of the Court

I, the undersigned Magistrate, do hereby verify that the contents of pages 1 to 7 and 9 to 16 of rejoinder affidavit are true to my personal knowledge and those of pages 8 as believed by me to be true as per information received and derived from records. No part of it is hearsay and nothing material has been concealed. So said, so sworn.

Signed and sworn to this 23rd day of February, 1988 at Lucknow.

Lucknow : Dated:

23/2/88
Dependent.

February 23rd, 1988.

I identify the Dependent who has signed before me.

DR. K. K. Singh
Advocate.

Lucknow : Dated:

February 23, 1988.

Solemnly affirmed before me on at the Dependent who is identified by Sri Advocate, High Court, Lucknow.

I have satisfied myself by examining the Dependent that she has understood the contents of the Affidavit which have been read over and explained by me.

B3
1

In the Hon'ble Court of Magistrate First Class, District

Patna, Bihar.

M.P. No 205/90C

Public Instruction No. 50 of 1960.

F.F. 11-79

Smt. Sri Laxmi Devi, aged about 40 years, widow of late Sri
Primal, resident of Laxmi Nagar, Post Office: 141, District
Patna.

Patna.

Versus.

1. Director General, Council of Scientific and Industrial
Research, New Delhi.
2. The Director, National Botanical Research Institute,
Lucknow.

Patna.

Application for appointment in the collection.

The humble applicant respectfully submits as under:-

1. That at the time of my first application
filed on 10.12.67 before the Hon'ble Magistrate was
pleased to direct the applicant to inform Sri Vinod Kumar,
son of applicant who ^{was a} ~~was~~ earlier charged on daily wages in
this case so that he may also get an opportunity of working
before the case is finally heard and decided.

Filed today
3/1/79

3/1/79

103
2

-: 2:-

2. That in the circumstances it has become a duty in the interest of justice to amend the application as under:-

(1). The following may be added as respondent No. 2 in the application.

Shri Vinod Kumar, a daily rated employee working in the Library Section of the office of the Director, National Botanical Research Institute, Lucknow.

(2) Against item No. 3, the following sub-points may be added.

9. The engagement of Shri Vinod Kumar on daily wages is no appointment under the provisions of government servants dying in harness rules. According to rule the widow or a son or a near relative of a government servant who dies in harness is to be given employment in regular establishment and not on daily wages and this social scheme has been made for providing real assistance to the family after the death of government servant.

10. Shri Vinod Kumar has not passed even Class-VIII and he is not qualified for being employed against any group C post. The applicant therefore, requested for employment of his younger son, Shri Aronod Kumar who has passed Intermediate examination and is qualified for

2/1/2011

B3/3

-: 3 :-

appointment against group C post. Furthermore, Sri Vinod Kumar is not of any help to the family which is evident from the fact ^{that} even after engagement on daily wages as early as in June, 1936 he has not given a single paise to the family although his wife and two children reside with the applicant and they are dependents upon the applicant. The applicant's family consists of 8 members including an unmarried daughter of the deceased Sri Lal who is 24 years of age and the family is in great need of assistance at this stage and on this ground also the employment of Sri Vinod Kumar against group C post will be in the interest of family. The appointment of Sri Vinod Kumar, the son of applicant who has passed Intermediate Examination against a group C post which is vacant will be in the best interest and welfare of the family of the deceased.

(3).

Against item No.7, the following may be added as second relief.

(ii).

be

The Hon'ble Tribunal may please to declare that the engagement of respondent at No.3 on daily wages is no ~~employee~~ appointment under the government servants dying in harness rules and he is not entitled to get appointment on regular establishment on the ground of being dependent of deceased Sri Sri Lal and he is not entitled to

राम कुश १६/६

B3
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-:4 :-

being continued on daily wages or for being given regular
employment ~~on~~ regular establishment on the ground of the
decease of deceased ^{of} Sri Sri Lal.

Prayer

It is, therefore, humbly prayed that this Hon'ble
Tribunal may be graciously pleased to record permission to
amend the application accordingly.

Verification

I, Smt. Ramabashi Devi, aged about 42 years,
Wife of Late Sri Sri Lal, resident of Mani Khara, Post
Office: Min, District Lucknow do hereby verify that the
contents of paras 1 to 5 are true to my personal knowledge
and belief and I have not suppressed any material
facts.

Lucknow: Dated:

May 30, 1990.

Signature of the ^{रामबाशी देवी}
applicant.

Ramabashi

Also Dated:

May 30, 1990.

(D.S. Chandra)
Advocate.

Counsel for petitioner.

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|----------------------------|-------|
| 1. ----- | 1-10 |
| 2. -----

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| 3. -----
----- | 13-14 |
| 4. -----
----- | 15-16 |
| 5. -----
----- | 17-18 |
| 6. -----
----- | 19-20 |

By 2

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|-----|--|-------|
| 7. | <u>Amendment No. 5.</u>
U.S. Decided 17-11-1967
on opposition by
Govt. | 21-2 |
| 8. | <u>Amendment No. 7.</u>
Deputy Secretary's
letter dated 6-7-1967 | 23 |
| 9. | <u>Amendment No. 8.</u>
Departmental letter dated
27-11-1967. | 24-25 |
| 10. | <u>Amendment No. 9.</u>
Letter dated 20-11-1967
on the proposed amendment. | 26 |
| 11. | <u>Amendment No. 10.</u>
Departmental letter dated
2-1-1968. | 27 |
| 12. | <u>Amendment No. 11.</u> | 28 |
-

Enc. 11.

21-11-67
21-11-67.

Dr. Chaurhe
Advocate

3

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- 1

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1

(1).

-

Amount of Village:
 100000, Post: 100000
 District: 100000.

1. Director General, Council of Scientific and Industrial Research, New Delhi.

Services of the Office of the Inspector General
is as follows:

(1). Order No.) This application is for appointment of
) applicant under the opposite parties
(2). At) for which she is entitled on compen-
) sation on grounds of account of the
(3). Issued by:) Director of Prisons, State of Sri Sri
) Sri Lanka
(4). Subject in) This is also the present Assistant,
 Prison.) Regional Detention Research Institute,
) Bangalore dated 18-5-1983.

The title of the subject matter of the order is "Subject Matter" and it is within jurisdiction of this office.

The following information was obtained from the
a. The following information was obtained from the
Section 91 of the Criminal Code, R.S.C. 1965.

Box 5

(C) . 2000-11-01

[illegible][illegible]

134
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-: 5 :-

6. The applicant is continuing to be the
opposite party No.1 vide his C.M. dated 17-11-1987 to
submit her application for interim leave order dated 17-11-1987. A true copy of C.M. dated 17-11-1987 is
enclosed as Annexure-5 to this application.

7. That the application for interim leave order
submitted in No.4(18)/88-1-1 dated 3-7-1988 was received
from Shri A.L. Sharma, Deputy Secretary, Government of
opposite party No.1 to the applicant, Shri A.L. Sharma,
Advocate for appointment of the applicant as an applicant,
Shri A.L. Sharma, Advocate for the applicant. A true copy
of this letter is enclosed as Annexure-6 to this application.
The applicant therefore submitted her application
on 23-11-1987 addressed to the opposite party No.1 for
issuing an interim order in favour of her real son,
Shri A.L. Sharma. A true copy of this letter dated
23-11-1987 is enclosed as Annexure-7 to this application.
It is further stated that in reply to the C.M. dated
3-10-1987 of opposite party No.1, the applicant's application
for interim leave order dated 17-11-1987 vide
his letter dated 23-11-1987 is the applicant's being
order not in opposition to the application in the
the application to be only filed in this matter,
submitted in the office of opposite party No.2 on 3-1-1988.

By
6

-: 6 :-

1. The copy of the letter dated 2-11-1987 of the applicant's son is enclosed as Annexure-1 to this application.

2. True copy of the letter of application given in the office of opposite party No.2 of 5-11-1988 is also enclosed as Annexure-10 to this application.

8. Since then, the applicant has not been able to hear anything from the opposite parties and on account of un-employment of her son, she is in a state of financial hardship and is unable to meet the expenses of her family.

9. The applicant's son is a daily wage labourer and is not getting any provision of government servants dying in the service. According to rule the wife or a son of a government servant who is not given employment in regular service and is not getting any daily wages and the social service is not providing any real assistance to the family of the deceased government servant.

10. Shri Virendra Singh is a Class-VIII employee and is not getting any provision of government servants dying in the service. According to rule the wife or a son of a government servant who is not given employment in regular service and is not getting any daily wages and the social service is not providing any real assistance to the family of the deceased government servant.

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[illegible]

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

The proposed new contract for the old one are
 available to employees and they have indicated they
 will not sign the new one.

(c). INC in process, 10/10/00.

[illegible]

(c). Article of Agreement 10/1/1944.

1. The first of these is the fact that the
2. of the first of these is the fact that the
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(10). Letter not being filed by order of the court.

It is hereby stated that the letter is not being filed by any court of law or any other authority or the letter is not being filed by any court of law or any other authority of the court.

(11). Letter not being filed by order of the court.

- (1). No. of letter. 22/5/17. 100/- (One hundred only).
- (2). No. of letter. 100/- (One hundred only).
- (3). No. of letter. 100/- (One hundred only).
- (4). No. of letter. 100/- (One hundred only).

(12). Details of order.

It is hereby stated that the order is not being filed by any court of law or any other authority or the order is not being filed by any court of law or any other authority of the court.

(13). List of enclosures:

- (1). No. of letter. 100/- (One hundred only).
- (2). No. of letter. 100/- (One hundred only).
- (3). No. of letter. 100/- (One hundred only).
- (4). No. of letter. 100/- (One hundred only).
- (5). No. of letter. 100/- (One hundred only).
- (6). No. of letter. 100/- (One hundred only).

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12-

-: 10 :-

- (7). Deputy Secretary's letter dated 3-1-987 for employment.
- (8). Application dated 20-1-1987.
- (9). Letter dated 20-1-1987 Sri Prasad Kumar.
- (10). Application sent on 3-1-1988.

Verdict:

I, Smt. D. S. Chaudhary, aged about 40 years, Jinfo. on Date Sri Prasad, resident of Chhikara, Dist. of District: Lucknow. I hereby state that the contents from 1-8 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Declaration: Dated:

Signed by me
the Applicant.

D S Chaudhary
Advocate

By
13

In the Noble Center of the Ministry of Labour, India and
of the Bench, New Delhi.

Appointing Commission No. 50 of 1953.

Shri. Ram Krishna Devi

Applicant

versus

Director General, Council of
Scientific and Industrial Research,
New Delhi and others

Respondents.

Annexure No. 1

To,

The Director,
National Research Institute,
Lucknow.

Sub: Appointment of my elder son in Class III post
on Commission to promote.

Sir,

Most respectfully I beg to lay down the
following few lines for your kind consideration and early
sympathetic orders please:-

- (1) That my husband late Sri Sri Lal was working under
your kind control as Cataloguer Asstt. in Library
of I.C.S.R. Lucknow.
- (2) That my husband late Sri Sri Lal expired on
13.2.1953 out of sudden heart attack leaving
behind, the school going sons and one minor
daughter beside one married step son.
- (3) That I have got no other source of earning my
subsistence except my husband's pension which
which is hardly sufficient to meet the daily needs.
The further liability of my sons and daughter's
education, maintenance, their marriages and

Bu
14

-2-

maintenance is beyond my reach in these hard days. It is apprehended that myself & my family will have to starve when in case of any untoward calamities to crops.

(4) My elder son named Prasad Kumar has this year passed Intermediate Examination/1,00 from C.R. Board. Some time back.

(5) That my step son named Vinod Kumar who has been engaged as daily wages in library has misbehaved with me on several occasions in the past being step mother and I don't hope that he will be appointed on compassionate grounds which will help me in maintaining my family.

Under the above circumstances, I very humbly pray your honour to kindly consider the appointment of my real son Prasad Kumar who has passed Intermediate Examination against some class and post on compassionate grounds to enable me to pull on my family burden.

I shall be ever grateful to you for this act of your kindness.

Yours faithfully,

Dated: 27.5.1956.

Sd/-Smt. Nam Khushi Devi
Widow of Late Sri Ori Lal
Govt. Logur Asstt. Librarian
Muzam
Resident of Village Muzam where
Post: Muzam, District: Muzam.

By
15

In the Hon'ble Central Administrative Tribunal, New Delhi and
Lucknow Bench, Lucknow.

Appl. registered on 10. 50 of 1936.

Smt. Ram Bhushni Devi

Applicant

versus

Director General, Council of
Scientific & Industrial Research,
New Delhi and others.

Opp. Petitioner.

Annexure No. 2

National Scientific Research Institute, Lucknow
(Council of Scientific & Industrial Research)
No. G-2/35/30-21 (Vol. II) Dated the 29th Oct. 1936.

Official Communication.

Subject: Appointment on compassionate grounds of a family
member of late Shri Ori Lal, ex-entomologist assistant
Lucknow, Lucknow request for.

With reference to her request for providing
appointment on compassionate grounds to her son Sri
Pranod Kumar, Smt. Ram Bhushni Devi, widow of late Shri
Ori Lal, ex-entomologist assistant, Lucknow is hereby
informed that it may not be possible for this Institute
to consider her request, as a similar request has also
been received from her eldest son, Shri Vinod Kumar. In
view of the above, unless she complies with her eldest
son & they re-submit the case as a single one in the

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K

-: 2 :-

if only for consideration, for providing a pointment on
compensation to ground, it will not be possible for us
to process the matter further.

cc/-MADRAS STATE GOVT.

Smt. N. S. Indrani Devi,
A/C Late Sri Ori Lal,
Madrasthologue Ass'st (S.D.),
Village: Madhachari,
Post: Min
Distt: Madhav.

84/12

IN THE DISTRICT COURT OF THE DISTRICT OF DELHI, NEW DELHI
AND IN SENIOR COUNCIL.

Registration no. 50 of 1955.

Smt. Ram Kushi Devi

Applicant

Versus

Director General, Council of
Scientific & Industrial Research
New Delhi and others

Respondents.

Annexure No. 3

सैव वि.

निदेशित.

राष्ट्रीय जनसंपत्ति अनुसंधान संस्थान,
दिल्ली।

विषय: कम्पनियन ग्राउन्ड पर नियुक्ति के सम्बन्ध में प्राप्त पत्र
सं०:जी-2/35/86ई का स्पष्टीकरण।

महोदय,

निवेदन है कि आपके कार्यालय द्वारा प्रेषित पत्र प्राप्त हुआ
पत्र का अध्ययन करने पर ज्ञात हुआ कि पत्र एक पक्षीय लिखा गया है
क्योंकि सम्प्रति एक तरफ से नहीं हुआ रहता है। इस सम्बन्ध में मुझे
कुछ बातें कानी है जो निम्न प्रकार है:-

1. जहाँ तक मुझे ज्ञात है कि मत्स्य के उपरान्त कम्पनियन ग्राउन्ड
पर नियुक्ति हेतु पत्नी की सहमति का होना आवश्यक है जो
मुझे कभी नहीं मालूम हुआ।
2. यह कि आपने अपने पत्र में सम्प्रति करने को कहा है ऐसा
करने का कोई औचित्य सम्बन्ध में नहीं आता जबकि मैं अपने
पुत्र प्रमोदन कुमार के बारे में नियुक्ति हेतु सहमति दे चुकी हूँ।
3. यह कि आपके पत्र से यह स्पष्ट नहीं है कि विनीत कुमार की
नियुक्ति जिसकी सहमति द्वारा की गई।
4. यह कि सम्बन्धित: कम्पनियन ग्राउन्ड पर नियुक्ति परिवार
की सहायता की जाती है और यह मैं पहले भी आपको बत
चुकी हूँ कि विनीत कुमार से परिवार के सहायता की उम्मीद

12/12/86

-2-

नहीं की जा सकती !

साधा ही यह भी अवगत कराना है कि वांछित भूगतान
॥जी०पी०एफ०, पीमा यदि॥ अब तक लिखित है।

अतः अनुरोध है कि उक्त बातों को ध्यान में रखते हुए
श्री प्रवीण कुमार को नियुक्त कर भेरी उत्पीड़न कम करने की कृपा की
अन्यथा इसे पाछे छोड़ उच्चाधिकारियों को लिखना पड़ेगा।

प्राथमिकी

दिनांक 8.12.1986.

हो/ राम कृष्ण देवी

एली स्व० श्री श्री लाल

॥कैलाश नर्सिंग॥

ग्राम-कुन्नी छोड़ा

पोस्ट-एन

जिला-लाल

104
19

In the Central Administrative Tribunal, Allahabad
Direct Bench Lucknow.

Appln. Registration No. 50 of 1966.

Smt. Mrs. Indrani Devi

Applicant

versus

Director General, Council of
Scientific & Industrial Research,
New Delhi & others.

Respondents.

Annexure No. 4

Registered

Indrani Devi, Mrs. Indrani Devi, Lucknow,
(Counsel for Scientific & Industrial Research)

No. F-2/55/66-111 (Vol. II) Lucknow dated 5.10.1967.

Order of Appointment

Subject: Appointment on compassionate grounds
request regarding.

With reference to her request for providing
appointment on compassionate grounds to her son Smt.
Pratima Devi, Smt. Mrs. Indrani Devi, widow of late Smt.
Ori Lal, ex-officio, Lucknow, is hereby
informed that the matter has been decided that in case
Smt. Mrs. Indrani Devi herself is interested her case
considered for providing appointment on compassionate
grounds, she is requested to submit the enclosed

104
20

-: 2 :-

(2 copies, duly filled in and
completed at an early date for record in
the matter.

Encl: as above.

sd/-Administrative Officer.

1
1. Lt. Gen. Dushy Devi,
S/O Late Shri Sri Lal,
An-orthologous Assistant (Civil),
Village of ... there,
Post: ...
Distt. ...

204
21

In the Hon'ble Central Administrative Tribunal, Bangalore
Circuit Bench, Madras.

Application No. 50 of 1955.

Smt. Mrs. Krishna Devi

Applicant

For

Director General, Council of
Scientific & Industrial Research,
New Delhi and others

Respondents.

Annexure No. 5

To,

The Director,
Tribunal,
Madras.

Subject: Appointment or compensation to grounds request
regarding.

Sir,

With reference to your letter (C.A.) No. 1-2/35/36-
1-11 (Vol. II) dated 9th October, 1957 on the above mentioned
subject, I am returning herewith the form duly completed as
desired by you. In this connection, I wish to point out
that while I will have no objection to be appointed ~~advised~~
on a permanent basis, but I would request you to
consider the case of compensation to be of the same order as,
Shri Premod Kumar because through out my life, I have only

104
22

-: 2 :-

not a time of house-ware and his not customary to such
professional job and to encourage system prevalent in
our society.

However, I wish to obey your order and will be
eagerly awaiting for the complete appointment orders.
Needless to say, that on account of sudden demise of my
passing, I am facing lot of financial problems and is on
the verge of starvation. Only your kind help by
providing appointment can save me from this grave
situation.

I shall be extremely grateful for an urgent
action in this matter.

Yours faithfully,

cc/- Mr. A. Krishna Reddy
cc/- Mr. Sri Sri Reddy,
cc/- Mr. Sri Sri Reddy (Sri Sri)
cc/- Mr. Sri Sri Reddy,
cc/- Mr. Sri Sri Reddy,
cc/- Mr. Sri Sri Reddy.

Dated: 23rd. Oct. 1957

PRY
23

In the Hon'ble Central Judicial Service Tribunal, Allahabad
District Bench Lucknow.

Pln. Registration No. 50 of 1936.

Smt. Ram Lakshmi Devi

Applicant.

Respondent

Director General, Council of
Scientific & Industrial Research,
New Delhi and others

Respondents.

Annexure No. 6

National Scientific Research Institute, Lucknow
Council of Scientific & Industrial Research,
No. 124/55/50-1.11.10.11, Dated the 17th Nov. 1937.

Subject: Appointment

Subject: Appointment on compassionate grounds
request regarding.

In continuation of this office memorandum of
even number dated 5.10.1937 on the above noted subject
Smt. Ram Lakshmi Devi, widow of Late Shri Chandra Lal, ex-
entomology assistant, Allahabad is once again requested
to submit duly filled in forms soon from immediately,
but in any case not later than 25th Nov. 1937.

In the application forms are not received
in this Institute by the 25th Nov. 1937, it will be

204
234

- 4 -

presented that she is not involved in anything and
case considered for being a victim of circumstance
instead.

[illegible]

Subj: Mrs. Krishna Devi,
 A/C Late Sri Sri Lal,
 Anthropologist, Institute of Science,
 Bangalore.
 Date: 24/11/60.

134/25

in the movable Central Government of India, and
Central Government of India.

Regulation No. 55 of 1935.

Mr. Ram Chusri Devi

Applicant.

For

Director of Public Health and
Sanitation, Government of India,
New Delhi and Others

Respondents.

Regulation No. 7

No. 15/35-B-I. Date: 3rd April, 1937.

Subject: Appointment on compassionate grounds.

Sir,

With reference to your letter No. 1-2/35/36-B-I (Vol. I) dated 21st May, 1937 on the above subject, I am directed to state that the matter has been considered in consultation with Legal Adviser, Govt. who has opined that the request of the widow for appointment of her son Shri Ramod Kumar may kindly be considered for appointment on compassionate grounds. It is, therefore, requested that further action in this regard may kindly be taken in exercise of the powers vested in you vide this office circular letter no. 5(14)/37-B-I dated 3rd April, 1937.

Yours faithfully,
sd/- S. S. Channa
5.7.37
Legal Secretary.

Poli
26

the Hon'ble General Manager, State Bank, Allahabad
Allahabad, U.P.

Appin. No. 10. 20. 1938.

Mr. M. M. M. M. M.

Applicant.

versus

Director General, Council of
Scientific & Industrial Research
New Delhi and others

Respondents.

Appin. No. 10. 20.

10,

The Director General,
Council of Scientific & Industrial Research
New Delhi and others

Respected Sir,

Sub: Appointment of my son Mr. M. M. M. on
Commissionate grounds.

Ref. Dy. Secretary/301/1938/1's letter No. 4(13)
3-6-38 dated 3.7.1938.

In connection with the above, I most respectfully
beg to submit the following for your kind
consideration and favourable orders please:-

(1) That my husband Mr. M. M. M. who expired on
13.5.1938 was formerly an employee Assistant in the
Library of N.D. U. P. Government.

(2) That my husband left behind me, two school going
sons and one small daughter aged 11 years.

(3) That in respect of my son's source of income
except the meagre amount of monthly pension, I have applied
for the appointment of my older son Mr. M. M. M.
13 years who has passed Intermediate Examination from
U.P. Board.

(4) That my son Mr. M. M. M. is a student of the

234/27

engaged in daily wages by the authorities of A.S.M.S.,
Lucknow without my consent. This step son not the least
helps me and he also misbehaved me on several occasions
during the life time of my late husband.

(5) That my request for appointment of my real elder son
Pranod Kumar was considered in your office & necessary
instructions were issued by the Deputy Secretary, C.A./New
Delhi to the Director, A.S.M./Lucknow vide his letter
referred to above, but the same has not been honoured by
the Director A.S.M./Lucknow.

(6) That the Director, A.S.M./Lucknow is adopting dilatory
tactics in appointment of son Pranod Kumar on compassionate
grounds.

(7) That I am facing very hard days in maintaining
myself and school going children out of meagre amount of
family pension.

In view of the above, I very humbly pray your
honour to kindly issue appointment orders of my son
Pranod Kumar on compassionate grounds just to save myself
and my 3 children from starvation.

I shall be ever grateful to you for this act of
your kindness.

Dated: 23rd Nov. 1957.

Yours faithfully,
Sd/- Mrs. Khushi Devi
Wife of Late Sri Sri Lal.

84/25

In the Hon'ble Central Administrative Tribunal, Allahabad
Civil Bench, Lucknow.

Application registration no. 50 of 1988.

Smt. Mrs. Kushi Devi

Applicant.

For and

Director General, Council of
Scientific & Industrial Research
New Delhi and others

Respondent.

Annexure no. 9

यु०पी०सी०

कन्नी छोड़ा

26.11.1987.

सेवा में,

निदेशक,

राष्ट्रीय वनस्पति अनुसंधान संस्थान,
लखनऊ।

महोदय,

निवेदन है कि मेरी माँ बाहर गई है। अतः उन्हें समय पर
पहुँच पाना सम्भव नहीं है। अतः उनके लौटने पर ही आपके सामने
उपस्थित होना सम्भव हो सकेगा ।

प्राथम्य,

ए०/प्रमोद कुमार
पुत्र स्व० श्री श्रीराम लाल
ग्राम-कन्नी छोड़ा
पोस्ट-पेन
जिला-लखनऊ

154/22

In the Central Administrative Tribunal, Allahabad
Labour Bench Bench.

Appn. Reg. No. 50 of 1980.

Ant. Ram Khusni Devi

Applicant

Versus

Director, General, Council of
Scientific & Industrial Research
New Delhi and others

Respondents.

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सेवा में,

निदेशक,

राष्ट्रीय बनस्पति अनुसंधान संस्थान,

कानपुर।

महोदय,

आपके निदेशात्मक पत्रोंक एफ-2/86/आईएच/वाचन-111

दिनांक 9.10.1987 के अनुसार मैं मैं राम कृष्णी देवी पत्नी स्व0
श्री श्री लाल कम्पनलेट ग्राउन्ड पर नियुक्ति हेतु आवेदन पत्र
प्रस्तुत करती हूँ।

भावदीय,

50/राम कृष्णी देवी

पत्नी श्री श्री लाल

केटानाजी एसिस्टेंट

राष्ट्रीय बनस्पति अनुसंधान संस्थान
कानपुर

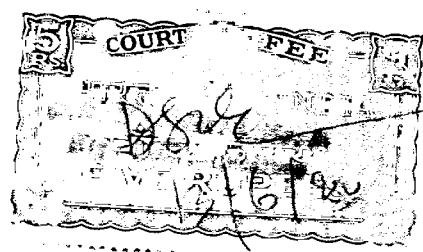
सं0:आवेदन पत्र की प्रतियाँ हैं।

अबालत बीमान से दूत शर को न दे रेक दिस्मूत महोदय

[गदी] अपीलान्त

प्रतिवादी [रेस्पाडेन्ट] बी.जी. राम खुशी दे - का

वकालतनामा



बाबी (अपीलान्त)

बनाम

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री डॉ. शर को न दे रेक

स्व. श्री. रामाश्री देवी

वकील

महोदय

एडवोकेट

नाम अदाशिव
मुकद्दमा नं०
नाम फरीकस

हो अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

श्री. रामाश्री देवी

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६

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स्वीकृत

Before the Central Administrative Tribunal, Circuit Bench,
Lucknow.

51/2

ब अदालत ओमान

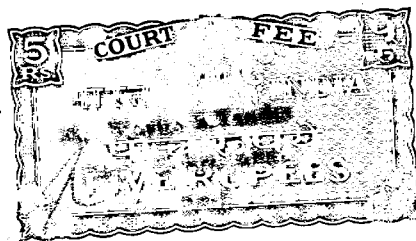
महोदय

वादी (मुद्दे)

प्रतिवादी (मुद्दे)

का

वकालतनामा



Application
Registration
Number 50 of 1988

Ram Khushi Devi

वादी (मुद्दे)

बनाम

Director General Council of
Scientific and Industrial Research.

प्रतिवादी (मुद्दे)

नं० मुकद्दमा

सन् १६

पेशी की ता०

१६

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ऊपर लिखे मुकद्दमा में अपनी ओर से Shri P. N. Mathur, Advocate

एडवोकेट

and Sri Anurag Srivastava,

महोदय

Sri Jaideep Narain Mathur वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और
लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य
कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी
जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें
या कोई रुपया जमा करें या हमारी या बिचल (फरीकसानी) का
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखतो)
रसीद से लें या पंच नियुक्त करें - वकील महोदय द्वारा की
गई यह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी
अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में
एक तरफा मेरे खिलाफ फैसला ही जाता है उसकी जिम्मेदारी
मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया
है कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Signature

National Botanical Research Institute
Lucknow (India)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महोना

सन्

19/11/88

h

Accepted

Pamathur,
Advocate

Accepted Jaideep Narain Mathur
साक्षी (गवाह)

Anurag Srivastava
Advocate

ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

Review App. No. 69 of 1989(L)
REGISTRATION No. 50 of 1988(L)

(14)

APPELLANT
APPLICANT

Shri. Ram Khushi Sen

VERSUS

DEFENDANT
RESPONDENT

Shri. C. of S. S. P. Sen

| No. of Order
or Date | Brief Order, Mentioning Reference
if necessary | Hc
w |
|-------------------------|---|---------|
|-------------------------|---|---------|

24.4.89

A Misc. Review application
No. 60 of 1989(L) in O.A. 50 of 1988(L)
was been filed on 12.4.1989.

The Judgement in O.A. 50 of 1988
was signed by the Bench consisting
of Mr. S. S. Sen, A.D. and
Mr. S. K. Agrawal, J.D. on
10.3.89. The Review application
was filed by Mr. S. S. Sen, A.D.
and Mr. S. K. Agrawal, J.D. on
12.4.89. The Bench has
allowed the application.

Meaning be pointed in open Court
Dr. Agrawal

25.4.89.

Copy made to file on 10 May 1989

Lh
2574

(H2)

Hon. Mr. B.C. Mathur, V.C.
 Hon. Mr. D.K. Agrawal, J.M.

Heard the arguments. The learned
 Counsel for the applicant & opp. ps. has
 prayed for producing the file regarding
 the appointment of Shri Vinod Kumar.

List it for tomorrow i.e. 25/5/90.

J.M.

-Bharat
 V.C.

25.5.90

Hon. Mr. B.C. Mathur, V.C.
 Hon. Mr. D.K. Agrawal, J.M.

This is a Review Application directed against the judgment and order passed on 17.3.89 in O.A.No. 50 of 1988 (L) whereby a direction was given to the opposite parties to provide employment to Shri Pramod Kumar, son of Late of Shri Ori Lal on compassionate grounds.

2. The Review Petition brings out that the opposite parties have already provided employment to Shri Vinod Kumar on compassionate grounds. We, therefore, call for the record and perused the same. A perusal of the record reveals that Shri Ori Lal died on 13.5.86 leaving behind three sons: Shri Vinod Kumar, Pramod Kumar and Praveen Kumar. The son i.e. Shri Vinod Kumar made an application on 19.5.86 for a job on Dailywages basis as immediate relief for the family. The competent authority considered his request and provided employment on daily wages on compassionate ground. The learned counsel for the opposite parties has contended before us that two members of the family could not be provided employment under the Govt. Servant Dying in Harness Rule. The learned counsel for the applicant, however, contended that Shri Vinod Kumar was given employment on daily wages basis only. The contention of the learned counsel for the opposite parties that the appointment of daily wages was given immediately

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11-7-90

No sitting; Adj. to 3/1/90

[Signature]

(A3)

4.10.90

No Sitting. Adjourned to 23.10.90

[Signature]

23.10.90

No sitting Adj to 19.11.90

19.11.90

From Mr. Justice G. Hall, C. *(u)*
From Mr. M. M. S. 2. PM.

OR
As directed by the court's
order of 25.5.90, the 4c
for the applicant has filed
M.P. No. 205/90 (1) for
amendment applications
but not duly served on
the O.P.

Shr T S Chaudhary to applicant. S.F.O
Shr J. N. Mathur as reporter. L
M.P. 385/90 for implementation. L 14/11/90 17/11/90
of Vinod Kumar has been made
under the direction of this Tribunal
Application for amendment in
that respect is allowed. The
applicant will incorporate amend-
ment within a week's time.
Issue notice to Shr Vinod Kumar
who may file counter within
4 weeks, to which if applicant
may file rejoinder within 2 weeks
thereof his writ for final
hearing on ~~14.1.91~~ 14.1.91.

M. M. S.

PM.

[Signature]

V.C.

14.1.91 - No sitting Adj to 18.2.91.

OR
Amendment
made today

18.2.91 - No sitting Adj to 20.3.91.

L
27/11
Notice issued
05/12/90

20.3.91 No sitting Adj to 20.5.91
G.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH
LUCKNOW

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O.A. 50/88

Smt. R.K. Devi

Applicant.

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

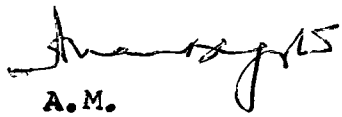
(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant^{was} the widow of late Shri Ori Lal who was working in the National Botanical Research Institute, Lucknow, under the Council of Scientific and Industrial Research, New Delhi^{and who} expired on 13.5.86. The applicant applied for appointment of her son on any class III post on compassionate grounds but as no appointment was given, ultimately she approached this Tribunal. In the meantime one ~~one~~ Vinod Kumar, the son of second wife of the deceased was appointed on daily wages. This appointment was given to him as he was the first nominee after Smt. Ram Khusi Devi as per declaration of the deceased, and that the said Vinod Kumar was the member of the family. It appears that the department is insisting that the applicant has got the gratuity, pension, Insurance and leave encashment etc. and that itself will be no ground for excluding anyone from his^{her} right as the income of the family is sufficient.

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It is for the department to make the ^{inquiry.} due. Accordingly, we direct the respondents to consider the claim of Promod Kumar for class III post itself but in case it is decided to appoint Pramod Kumar, the respondents will not terminate the services of Vinod Kumar, the second son of the deceased, as the appointment of Vinod Kumar is wholly against the class IV post. In any manner the appointment can be made by the respondents, without prejudice to Vinod Kumar.


A.M.


V.C.

Lucknow Dated: 20.9.91

(AK)

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NATIONAL COMMISSION FOR INDUSTRIAL TRIBUNAL, ALLAHABAD,
(Circuit Bench, Lucknow)

APPLICATION FOR REVIEW OF JUDGMENT
C.M. An No 89/89(C)
In fact

PETITION NO. 50 OF 1989(I)

Smt. Ram Kunti DeviApplicant.

Versus

Director General, Council of Scientific
and Industrial Research and others. ...Respondents.

APPLICATION FOR REVIEW ON BEHALF OF
RESPONDENTS NO. 1 AND 2 AGAINST
JUDGMENT DATED 17.3.1989.

The Respondents respectfully submit as under:-

1. That the following are the admitted or uncontroverted facts of the case.

- (a) Ori Lal, an employee of the NTRI died in harness leaving behind one son Vinod Kumar, his wife Ram Kunti Devi and other children from his present wife.
- (b) Compensation has been given by NTRI to his eldest son. His wife has been given family pension with effect from 1.1.89 of Rs. 650/- per month and gratuity of Rs. 19,009/-.

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(c) She is also possessed of Agricultural land as admitted in para 3 of Annexure 1 of her petition.

2. That some material questions have been omitted from consideration in the judgment, namely,

- (i) Only one member of the family can be given the benefit of compassionate appointment. Such benefit cannot be given to more than one member;
- (ii) The benefit of compassionate appointment is a discretionary benefit to the heirs of the deceased employee; but it is not an enforceable right;
- (iii) Such a claim could not be enforced through a mandamus as it does not flow from any statutory obligation or a contractual requirement;
- (iv) Public Services cannot be filled up on mere compassionate considerations, as it would amount to creation of reservation in favour of the dependents of serving employees after their death. In order to prevent the provision being void in view of Article 14 of the Constitution of India, the restriction is justified by the fact that:
 - (a) Only one of the family can be given employment on compassionate grounds;
 - (b) the family must be indigent and in great economic distress; and

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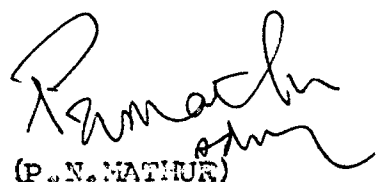
(c) the discretion is to be exercised by the Authority concerned having regard to all concomitant circumstances.

3. That the discretion was properly used in giving the step son an employment while the widow and other minors were given the benefit of family pension, gratuity etc. when (admittedly as mentioned in Annexure 1) they were not indigent and had some cultivation also to fall back upon. Excessive benefit of a welfare measure could not be given to one family and thereby restricting employment on the basis of merit.

4. That the respondent submits that consideration of the aforesaid facts are likely to affect the decision of the Hon'ble Tribunal.

WHEREFORE, it is prayed that the judgment dated 17.3.1989 may kindly be reviewed.

April 12, 1989.


(P.N. MATHUR)
Advocate.
COUNSEL FOR THE RESPONDENTS.

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW
**

No. CAT/CB/LKO/

2029

Dated : 17.3.1989

OFFICE - MEMO

Registration No. O.A. 50 of 1938.(L)
T.A.

Smt. Rupa Khushi Devi Applicant's

Versus

Union of Shudhi and others Respondent's

A copy of the Tribunal's Order/Judgement
dated 17.3.1989 in the abovenoted case is forwarded
for necessary action.

For DEPUTY REGISTRAR (H) 17.3.89

Encl : Copy of Order/Judgement dated 17.3.89

To.

①. D.S. Chaudhary, Advocate C/A.

②. P.N. Mathur, Advocate C/R.

dinesh/

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH, LUCKNOW

Registration O.A.No.50 of 1988

Smt. Ram Khushi Devi

Applicant

Vs.

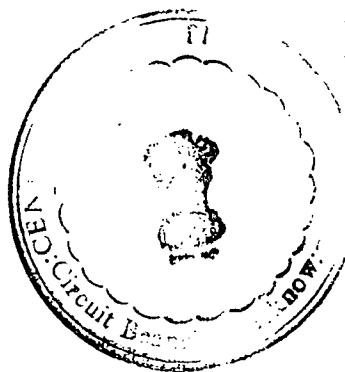
Union of India and others....

Respondents.

Hon. D.S.Misra, AM
Hon. D.K.Agrawal, JM

(By Hon. D.K.Agrawal, JM)

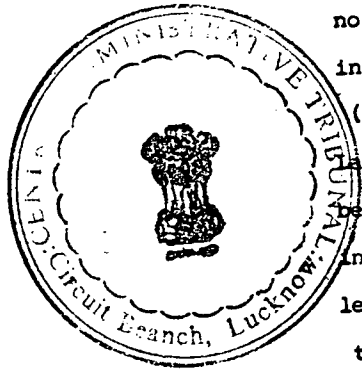
This application u/s.19 of the Administrative Tribunals Act XIII of 1985 has been moved by one Smt. Ram Khushi Devi widow of Ori Lal employed as Cataloguer Assistant in the Library of National Botanic Research Institute, Lucknow. He died in harness on 13.5.1986 on account of sudden heart attack. Thereafter, his widow, i.e. the applicant made an application to the Director, National Botanic Research Institute, Lucknow, arrayed as respondent no.2, on 27.6.1986 requesting that her son Pramod Kumar, who had passed Intermediate Examination, be appointed to a class III post. The respondent no.2 vide letter dated 29.10.1986 informed the applicant that one Vinod Kumar claiming to be step son of late Ori Lal has also applied for the post and she was advised to compromise with the said Vinod Kumar. The applicant, in reply, gave the correct facts on 8.12.1986 (annexure 3). Thereafter, the respondent no.2 made an offer on 9.10.1987 (annexure 4) to the applicant for employment. She replied on 23.10.1987



~~Signature~~ *Signature*

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(annexure 5) stating that she had no objection to accept the employment but it would be in the interest of her family if her son, namely, Pramod Kumar is provided employment. Meanwhile, the applicant was corresponding with the Director General, Council of Scientific and Industrial Research, New Delhi- respondent no.1 which after consideration with its legal cell informed the respondent no.2 vide letter dated 3.7.87 (annexure 7) that the request of the widow of Ori for appointment of her son Pramod Kumar may kindly be considered for appointment on compassionate grounds in exercise of the powers conferred vide circular letter no.5(14)/87-E-II dated 3.4.1987. Still, however, the appointment has not been given. Therefore, the applicant filed this petition seeking direction for appointment of Pramod Kumar or in the alternative to her.



2. The respondent no.2 has not denied the facts of the case except that it was alleged in the counter affidavit that employment was offered to the applicant but she did not accept it. There is, however, no document on record to substantiate the said statement made in the counter affidavit. The learned counsel for the respondent no.2 was called upon to seek time to file such document but the opportunity was not availed. In this view of the matter, we are of the opinion that it is a fit case for issue of a direction, as prayed by the applicant that her son Pramod Kumar be given suitable appointment according to his qualification on the existing or future vacancy.

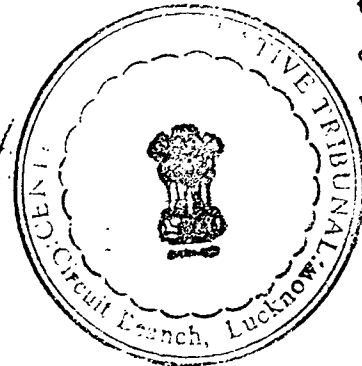
~~_____~~ *WMS*

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3. The petition is accordingly allowed. The respondent no.2 is directed to provide an employment to Pramod Kumar son of late Ori Lal according to his qualification ^{on} an existing or future vacancy. There will be no order as to costs.



MEMBER (J)

MEMBER (A)

Dated: 17.3.1989
kkb.

Certified copy
(K. K. Banerjee)
Private Secretary
17.3.89

Central Administrative Tribunal
ALLAHABAD

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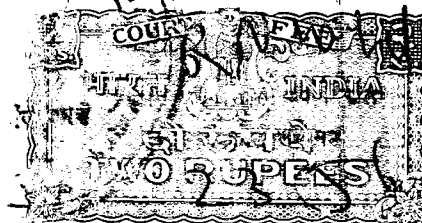
BEFORE THE CHIEF ADMINISTRATIVE MAGISTRATE, LUCKNOW,
(Circuit Bench), Lucknow.

AFFIDAVIT IN SUPPORT OF RELEVANT DOCUMENTS BEING FILED HEREWITH.

In re:

PETITION NO. 50 of 1990 (1)

1990
AFFIDAVIT
21.2.90
HIGH COURT
ALLAHABAD



Smt. Ram Khushi Devi.

.....Petitioner

Versus

Director General, Council of Scientific
and Industrial Research and others.

.....Respondent

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I, R.N.Wahal son of Sri T. N. Wahal ^W aged 40 years, Controller of Administration, National Botanical Research Institute, Rana Pratap Marg, Lucknow, solemnly state on oath as under:-

1. That the deponent is the Controller of Administration of the National Botanical Research Institute and is well acquainted with the facts of the above-noted case.

2. That upon the death of Sri Sri Lal, Ex-Catalog Assistant N.B.R.I. Lucknow the Administrative Officer offered an appointment to Smt. Ram Khushi Devi to fill the late Sri Sri Lal on compassionate ground. Smt. Ram

+ [Signature]

Devi was requested to fill in an application form ^{filled in} by 25th ~~November~~, 1987 failing which it was mentioned that it would be presumed that she was not interested in getting her case considered for being appointed on compassionate ground. A true copy of the Office Memorandum dated 17th November, 1987 is ANNEXURE NO. A-1 to this affidavit.

3. That it is pertinent to mention that during the life time of Sri Ori Lal, his widow and three of his sons were nominated by him for the purpose of withdrawal of gratuity etc. A true copy of the Nomination form filled in by Sri Ori Lal is ANNEXURE NO. 1-2 to this affidavit.

4. That thus upon the death of Sri Ori Lal Smt. Ram Khushi Devi the applicant was given the entire lump-sum/^{amount} on account of death-cum-retirement, gratuity, new group insurance scheme, general provident fund, deposit link insurance and leave encashment. She was ^{further} granted family pension of Rs. 560/- ^{per month} and also dearness ~~allowance~~ ^{relief} of Rs. 99/- per month. The deponent submits that this amount too has been increasing from time to time.

5. That it is pertinent to mention that Sri Vinod Kumar was given engagement ^{on} daily wages basis, since he was the first nominee after Smt. Ram Khushi Devi. However, now Smt. Ram Khushi Devi is seeking in addition to the compassionate appointment given to Sri Vinod Kumar, a further compassionate appointment for herself or her son Sri

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Pramod Kumar. The deponent submits that this is not possible because of various financial and other constraints which are being borne by the N.B.R.I.

Lucknow, Dated.
May 23, 1990.

T. W. Dey
DEPONENT.

I, the deponent above named do hereby verify that the contents of paras _____ of this affidavit are true to my own knowledge, contents of paras _____ are true to my belief on the basis of records. While the contents of paras _____ are believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed. So help me God.

T. W. Dey
DEPONENT.

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I personally know

I identify the deponent above named who has signed this affidavit before me.

Ashraf Ali
Advocate.

Solemnly affirmed before me on 23.5.90
10.57 AM by
at....the deponent who is identified by
Sri Ashraf Ali Advocate, High Court,

Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit which have been read over and explained by me.

A. S. Dey
Marikesh Sharma
JATH COMMISSIONER
(in) Court, Bahabad
Lucknow Bench
No. 21/1243
23.5.90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CHAIRMANED
(Circuit Bench), Lucknow.

Petition No. 50 of 1988 (L)

Smt. Ram Khushi Devi.

....Petitioner.

Versus

Director General, Council of Scientific
and Industrial Research and Others.Respondents.

ANNEXURE.....A-1

(Photostat copy of the Office Memorandum dated
17th November, 1987 is annexed herewith)

Handwritten signature

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NATIONAL BOTANICAL RESEARCH INSTITUTE, LUCKNOW.
(Council of Scientific & Industrial Research)

No.F.2/35/86-EII(Vol.II)

Dated the 17th Nov. 1987.

OFFICE MEMORANDUM

Subject : Appointment on compassionate grounds -
request regarding.

In continuation of this office memorandum of even number dated 9.10.1987 on the abovenoted subject, Smt. Ram Khushi Devi, widow of late Shri Ori Lal, Ex-Catalogue-Assistant, NBRI, Lucknow, is once again requested to submit duly filled in application forms immediately, but in any case not later than 25th Nov. 1987.

If the application forms are not received in this Institute by the stipulated date, it will be presumed that she is not interested in getting her case considered for being appointed on compassionate grounds.

ADMINISTRATIVE OFFICER
19/11/87

Lal
19/11

Smt. Ram Khushi Devi,
W/o Late Shri Ori Lal,
Ex-Catalogue Assistant(NBRI),
Village : Kanni Khera,
Post : Ain,
Distt. : Lucknow.

T. M. S.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, AHMEDABAD,
(Circuit Bench), Lucknow.

Petition No. 20 of 1988 (I)

Smt. Ram Khushi Devi.

....Petitioner.

Versus

Director General, Council of Scientific
and Industrial Research and others.

...Respondents.

ANNEXURE NOA-2

(Photostat copy of the Nomination Form filled in
by Sri Ori Lal is annexed herewith)

[Signature]

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FORMS OF NOMINATION

I. When the subscriber has a family and wishes to nominate a member thereof.

I hereby nominate the person mentioned below, as a member of my family as defined in rule 2 of the General Provident Fund (Central Services) Rules, 1960, to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid :-

| Name & address of nominee | Relationship with subscriber | Age | Contingencies on the happening of which the nomination shall become invalid. | Name, address and relationship of person/persons any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber. |
|---------------------------|------------------------------|----------|--|--|
| 1 | 2 | 3 | 4 | 5 |
| 1. Mrs. Shushi Devi | wife | 36 years | Death | 1. Mrs. Shushi Devi |
| 2. 100, Lucknow | | | Divorce | 2. 100, Lucknow |
| | | | Marriage | 3. 100, Lucknow |

Dated this... 24... day of December... 1983.

Two witness to signature.
1.....
2.....

Signature of subscriber

II. When the subscriber has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family as defined in rule 2 of the General Provident Fund (Central Services) Rules, 1960, to receive the amount that may stand to my credit in the fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown against their names:-

| Name & address of nominee | Relationship with subscriber | Age | *Amount of Contingencies share of on the happening of which the nomination shall become invalid. | Name, address and relationship of person/persons any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber. |
|---------------------------|------------------------------|----------|--|--|
| 1 | 2 | 3 | 4 | 5 |
| 1. Mrs. Shushi Devi | wife | 36 years | Death | 1. Mrs. Shushi Devi |
| 2. 100, Lucknow | | | Divorce | 2. 100, Lucknow |
| | | | Marriage | 3. 100, Lucknow |

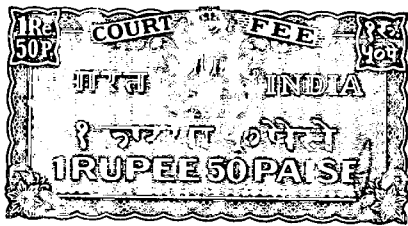
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अदालत श्रीमान महोदय (वादी) अपीलान्त

..... श्री का प्रतिवादी रेस्पाडेन्ट

वकालतनामा



वादी (अपीलान्त)

बनाम प्रतिवादी रेस्पाडेन्ट

नं० मुकदमा 50/50 (नं०) / 11/10 पेशी की तारीख 13. 7. 1951 ई०

ऊपर लिखे मुकदमा में अपनी ओर से

..... वकील महोदय एडवोकेट

| | | | |
|-----------|----------------|-----------|------|
| नाम अदालत | नाम मुकदमा नं० | नाम फरीका | तनाम |
|-----------|----------------|-----------|------|

को अपना वकील नियुक्ति करके प्रतिज्ञा इकरार करता हूं और लिख देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया वसूल कर या मुल्हतामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर में दाखिल करें और और तसदीक करें मुकदमा उठावे या कोई रुपया जमा करें या हमारी विपक्षी (फरोकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजना रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर महोदय

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 22/7/51 महोदय सन् 1951 ई०