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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.602/99.

Dt.of DecisionP: 23-4-99.

Smt.W.Yellamma

.. Applicant.

Vs

1. The Secretary to Govt.of India,
Min.of Labour, New Delhi.
2. The Central Provident Fund
Commissioner & Chief Executive
Officer, Central Board of Trustees,
EPF Organisation, Hudco Vishala
Building, 14, Bhikaji Cama Place,
New Delhi-110 066.
3. The Regional Provident Fund
Commissioner, Gr.I, Barkatpura,
Hyderabad-500 027.
4. The Enforcement Officer, Employees'
Provident Funds Organisation,
Rice Millers Association Building,
Behind Nataraj Talkies, Karimnagar. .. Respondents.

Counsel for the applicant : Mr.K.N.Puranik

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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..2/-

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J))

Heard Mr.K.N.Puranik, learned counsel for the applicant and Mr.Jacob for Mr.B.N.Sharma, learned counsel for the respondents.

2. The applicant herein is the widow of one U.Anantha Rao, who died on 29-11-91 while working as Messenger in Group-D in the respondent department. The respondents by their letter No.A.P/Adm.II/Compt.Apptt./98 dated 14-5-98 (Annexure-40) informed the applicant that the representation submitted by her for appointment on compassionate ground in place of U.Ananth Rao was examined by Central PF Commissioner, New Delhi but the same was not considered on the plea that she was already getting family pension and she has no other dependent to support and as such there was no justification for providing compassionate appointment to ~~you~~ her.

3. Subsequently, the applicant has submitted a representation dated 27-2-99 (Annexure-41) to R-1. The said representation dated 27-2-99 is still pending.

4. Hence, she has filed this OA praying to set aside the impugned order No.A.P./Adm.II/Compt.Apptt./98 dated 14-5-98 issued by R-3 and for a direction to the respondent No.1 to consider her representation dated 27-2-99 in accordance with law and in particular Govt.of India instructions contained in O.M.No.12-5-90-CS-II dated 22-9-92 and OM.No.14014/14/91-Estt(D) dated 23-9-92 and applying the legal principles of legitimate

R

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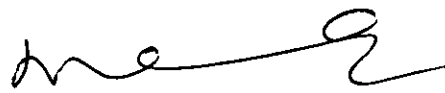
expectation and contemporaneous Exposite and appoint the applicant on compassionate ground in the existing vacancy of Safaiwala or in any other suitable post such as Sweeper in any office under the control of R-3.

5. The DoP&T has issued circular instructions in 1998 for considering the cases for appointment on compassionate ground.

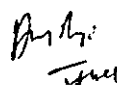
6. The learned counsel for the respondents submitted that he has no objection if a direction is given to R-1 to dispose of her representation dated 27-2-99. In view of the above, R-1 is directed to dispose of the representation dated 27-2-99 in accordance with law within a period of three months from the date of receipt of a copy of this judgement.

7. The OA is disposed of at the admission stage itself. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
13/4/99


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 23rd April, 1999.
(Dictated in the Open Court)



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COPY TO:-

1. HGHND

2. HHRP M(A)

3. HBSJP M(3)

4. B.R.(A)

5. SPARE

IST AND IIND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR ;
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD ;
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN ;
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR ;
MEMBER (J)

DATED: 23.4.99

ORDER / JUDGEMENT

MR. / R. A. / C. P. No.

IN

C.A. No. 602/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

