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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 13.9.95.

OA No.659/94

Smt. Gopal Kanwar w/o Late Shri Laxman Singh, r/o Village Badshapur, Post Vyajra, Tehsil Made, District Jaipur.

... APPLICANT.

VERSUS

Union of India and another

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, MEMBER (A)

For the Applicant

... Mr. S.P. Mathur

For the Respondents

... Mr. U.D. Sharma

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Smt. Gopal Kanwar, in this application u/s 19 of the Administrative Tribunals Act, 1985, has claimed compassionate appointment to a suitable post.

2. We have heard the learned counsel for the parties and have carefully perused the records. The learned counsel for the parties have agreed to this case to being disposed of at the stage of admission.

3. The contentions of the applicant are that her husband, Shri Laxman Singh, who was designated as a Skilled Worker and who served in the Geological Survey of India for more than 10 years, died as a result of an accident on 3.3.88. The applicant, thereafter, began to live alongwith her two sons with her in-laws but after a couple of years she was forced to live separately. It is stated that the applicant and her sons, who are minor, have no source of income. Her sons are also not eligible for any government job. Under the circumstances, the applicant had to apply for grant of appointment on compassionate grounds for herself but her request was turned down vide Annexure A-1 dated 28.7.94 on the ground of belatedness and her failure to state the post and the division of the department in which her husband had worked. Her request was also, by an order dated 29.9.94, not acceded to as her case did not fall within the purview of appointment on compassionate basis.

Chitrakar 4. The respondents have contested the application and stated that the

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deceased Laxman Singh was merely engaged as a contingent worker on daily wages in the office of respondent No.2 w.e.f. 19.8.77 and was being paid wages of a Skilled Worker at Rs.33.30 per day. The applicant had filed a claim for compensation in the Motor Accident Claims Tribunal, Kotputli, and she was granted an interim relief of Rs.15,000/-. Her claim for compensation is sub-judice.

5. We have considered the rival contentions of the parties. The mere fact that the family left behind by the deceased government servant had not been able to manage its affairs for about six years without claiming this concession shall not dis-entitle the applicant to consideration of her claim on merits. The averment that the applicant was thrown out by her in-laws and she was left with no means of livelihood should be verified by the respondents by making an independent enquiry and the applicant should be informed of the result of that verification and thereafter they should take an independent decision on merits as to whether the applicant is entitled to appointment on compassionate grounds.

6. In the result, we direct the respondents to consider afresh the case the applicant for grant of appointment on compassionate considerations in the light of the observations made above within a period of four months from the date of receipt of a copy of this order.

7. The OA stands disposed of accordingly, with no order as to costs.

(O.P. SHARMA)

MEMBER (A)

G. K. Rhee
(GOPAL KRISHNA)

VICE CHAIRMAN

VK