

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00295/2015
WITH
MISC. APPLICATION NO. 291/00164/2015

DATE OF ORDER: 29.05.2015

CORAM

HON'BLE MR. JUSTICE HARUN-UL-RASHID, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Smt. Saroj Devi W/o late Shri Virendra Kumar R/o House
No. 1274/26, Near Middle School, Bhagwanganj, Ajmer,
Rajasthan.

...Applicant

Mr. Suresh Charan, counsel for applicant.

VERSUS

1. The General Manager, North Western Railway,
Jawahar Circle, Jaipur through General Manager.
2. DRM, North Western Railway, Jodhpur.

...Respondents

ORDER

(Per Mr. MR. ANIL KUMAR, ADMINISTRATIVE MEMBER)

Heard learned counsel for the applicant.

2. Learned counsel for the applicant submitted that the husband of the applicant was appointed on the post of Telecommunication – Helper-II on 04.04.2006 as fresh face substitute and posted at Jaisalmer. However, unfortunately, he died due to accident while performing his duties on 08.05.2011. After the death of applicant's husband, the respondents have paid the due compensation. After the death of the husband of the applicant, the applicant applied

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for appointment on compassionate grounds on 07.09.2011 within the prescribed time limit. The applicant also submitted another application dated 30.07.2012 for appointment on compassionate grounds. The case of the applicant is one of extreme hardship as she has two children; one daughter and other is son. She has no financial support for upbringing these children.

3. However, the respondents have informed vide letter dated 31.01.2012 (Annexure A/1) that the case of the applicant was examined and following orders have been issued in the case of the applicant: -

"Matter is subjudice, Status quo has been granted so no action can be taken for giving CG appointment to ward/widow of such appointment whose status of appointment is under challenge."

4. Learned counsel for the applicant submitted that the appointment of the applicant and some other similarly situated employees was challenged before the Hon'ble High Court. The Hon'ble High Court cancelled the appointment of the applicant and others. However, the order of the Hon'ble High Court has been challenged before the Hon'ble Supreme Court, which is pending before the Hon'ble Supreme Court. However, the Hon'ble Supreme Court has passed an interim order to maintain status quo. By virtue of this interim order, the husband of the applicant continued in the service of the respondents. Therefore, after the death

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of the husband of the applicant, the applicant is entitled for appointment on compassionate grounds at least subject to the final outcome of the decision of the Hon'ble Supreme Court.

5. Learned counsel for the applicant also drew our attention to Master Circular No. 16 in which even the dependents of the casual labour are entitled for appointment on compassionate grounds whereas the husband of the applicant was having temporary status. Therefore, he was on a better footing than a casual labourer.

6. According to the learned counsel for the applicant, the appointment of the husband of the applicant was struck down by the Hon'ble High Court. This order of the Hon'ble High Court has been challenged before the Hon'ble Supreme Court, which is pending for final decision. Though the Hon'ble Supreme Court has granted an interim relief, by way of maintaining status quo but the matter has not been finally decided by the Hon'ble Supreme Court.

7. Thus, according to us, the status of appointment of the husband of the applicant is yet to be decided since the matter is subjudice before the Hon'ble Supreme Court. Therefore, we are of the opinion that the present Original Application is premature at this stage, hence, it is dismissed

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at the admission stage itself. However, it is made clear that in case the Hon'ble Supreme Court decides the matter in favour of the husband of the applicant then the applicant would be entitled to apply afresh for appointment on compassionate grounds before the respondents who will then decide the case of the applicant in accordance with the provisions of law.

8. Since the Original Application is dismissed without issuing a notice to the respondents, a certified copy of this order along with the complete copy of paper book/OA shall be sent to the respondents by the Registry.

9. In view of the order passed in the Original Application, no order is required to be passed in the Misc. Application for condonation of delay. The Misc. Application for condonation of delay is also disposed of accordingly.


(ANIL KUMAR)
ADMINISTRATIVE MEMBER


(JUSTICE HARUN-UL-RASHID)
JUDICIAL MEMBER