

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 25.02.2000

OA No.219/98

Smt. Vidya Devi Widow of late Shri Salya Ram Harijan r/o Gola Ka Bas,  
District Alwar.

.. Applicant

Versus

1. The Union of India through Secretary, Ministry of Human Resource Development, Archaeological Survey of India, Shastri Bhawan, New Delhi.
2. The Superintending Archaeologist, Archaeological Survey of India, Jaipur Circle, Mansarowar, Jaipur.
3. Conservation Assistant Grade I, Archaeological Survey of India, Chittorgarh (Raj.)

.. Respondents

Mr. M.R.Saini, counsel for the applicant

Mr. S.S.Hasan, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

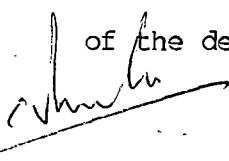
Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. N.P.Nawani, Administrative Member

Through this Original Application, the applicant seeks compassionate appointment since her husband who was Monument Assistant died in harness and also that she be paid all the death claims of her deceased husband such as Group Insurance, GPF etc.

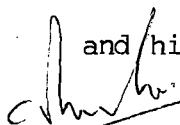
2. It is the case of the applicant that her husband Late Shri Salya Ram, while working as a Monument Assistant in the Archaeological Survey of India had died on 30.4.1996 at Jaipur and being the wedded wife of the deceased and totally dependent on his income, she should be given a



job under the Central Government scheme of compassionate appointment. She should also be given all the retiral benefits that were available to her late husband.

3. A reply has been filed by the respondents to which a rejoinder was filed by the applicant. These, including reply to the prayer of interim relief and a rejoinder to it, are on record and has been perused by us.

4. The respondents, in their reply, have stated that appointment on compassionate grounds, under the rules of 1975, cannot be given to the applicant since the husband of the applicant had been removed from service in his life time much before his death. The husband of the applicant, late Shri Salya Ram was terminated from service under Rule 5(1) of the CCS (Temporary Service) Rules, 1965 vide order dated 13.5.1993 (Ann.R1) and he died on 30.4.1996. As per version of the applicant herself, she thought of employment on compassionate grounds in 1997. It has also been stated that final payment of his GPF balance has already been made to the applicant vide DD No.03066 dated 21.8.1998 for Rs. 472/- sent vide letter dated 26.8.1998 (copy at Ann.R2). The applicant has, therefore, made her claim on the false premises that her husband died while in service. The applicant has already been apprised of the position by letter dated 5.6.1998 (Ann.R3). It has also been stated by the respondents that the applicant was appointed as Monument Assistant on direct recruitment basis w.e.f. 28.3.1986 with two years probation and since his appointment he remained on leave without pay (159 days) or absented from duty for most of the time. Despite warnings and memos, he appeared incorrigible. He remained absent w.e.f. 13.11.1988 and did not report for duty in spite of repeated instructions. Copies of some of the memos/warnings etc. have been placed at Ann.R4 to R8. He had never submitted any medical certificates nor sent any information about him. On finding that Late Shri Salya Ram was incorrigible and his reluctance towards duty had crossed the limits, his services were

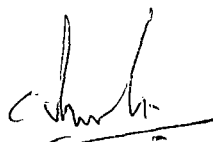


terminated as stated above. In any case, he was not in government service when he died and, therefore, his widow is not entitled to compassionate appointment.


5. We have heard the learned counsel for the parties and have perused the records.

6. There is no reason for us to doubt the factum of husband of the applicant not being in government service when he died. He died about 3 years after he was terminated. the applicant herself has annexed a copy of her husband's death certificate (Ann.A3) in which the date of death has been recorded as 30.4.1996. She herself applied for compassionate appointment and sent her application <sup>only</sup> on 8.7.1997 (Ann.A4). The husband of the applicant, during his brief service had been sanctioned 159 days of leave without pay and he kept on absenting himself from duty without authority for which he was warned on many occasions. We are sorry to observe that if the applicant was not aware of the manner in which her husband behaved while in service and was finally terminated, it will not be possible for anybody to help such a family. The harsh fact, in any case remains, that when the husband of the applicant died, he was not in government service and, therefore, we cannot even ask the respondents to consider her application sympathetically.

7. In the result, the OA does not succeed and is dismissed with no order as to costs.

  
(N.P.NAWANI)

Adm.Member

  
(S.K.AGARWAL)

Judl.Member