

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.NO. 155 of 1997.

DATE OF DECISION 4-5-1999.

Smt Bimala Prova Kalita (Boruah)

(PETITIONER(S))

Sri B.K.Sharma.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri A.Deb Roy, Sr.C.G.S.C.

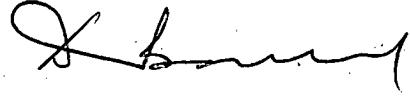
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 155 of 1997.

Date of Order : This the 4th Day of May, 1999.

Justice Sri D.N.Baruah, Vice-Chairman.

Shri G.L.Sanglyine, Administrative Member.

Smt. Bimala Prova Kalita (Boruah)
Wife of late Narayan Chandra Kalita
C/o Sri Jogen Ch. Boruah,
P.O. & Vill- Chamuapara,
Mangaldoi, District- Darrang(Assam).

... .Applicant.

By Advocate Sri B.K.Sharma.

- Versus -

1. Union of India
represented by the Secretary
to the Govt. of India,
Ministry of Industry,
New Delhi.
2. The Development Commissioner (SISI)
Nirman Bhawan, New Delhi.
3. Director, SISI,
Nagaland, Dimapur.
4. Deputy Director, SISI,
Industrial Estate, Takyelpat,
Imphal-795001.
5. Director, SISI,
Assam,
Bamunimaidam,Guwahati-21.

... . Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C.

Q R D E R

BARUAH J.(V.C)

Applicant's husband Narayan Chandra Kalita (since deceased) was a Helper in the establishment of Assistant Director, Small Industries Service Institute (SISI for short) at Imphal. Late Narayan Ch. Kalita died in harness on 17.6.1990 leaving his wife and old parents as heirs. Late Narayan Ch. Kalita was the sole earning member of the family. After the death there was no one to earn the livelihood of the applicant and her father in law and mother in law. The applicant submitted a representation in November.


contd... 2

1991. This was forwarded to the then Deputy Director, SISI, Imphal on 14.11.1991. In spite of that no appointment was made as per the scheme of the compassionate appointment under the Central Government. Again on 30.6.1993 the Assistant Director, SISI, Dimapur took up the case by Annexure-2 letter. This time also in the said letter it has been specifically mentioned as follows :

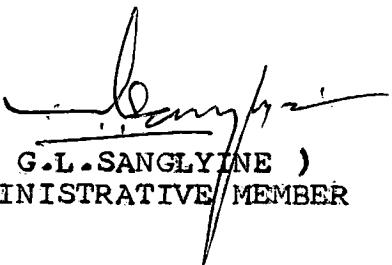
" Further, in this connection it is to state that her application alongwith the proforma I & II are already sent to SISI/Imphal vide this office letter of even number dated 14.11.91 under Registered Post."

She was also recommended for appointment in the Group C post as the applicant was a H.S.L.C passed candidate. In spite of that also the applicant was not appointed. Another two representations Annexure-3 and 4 were also sent by the applicant. Nothing was done. Being aggrieved the applicant has filed this application.

2. The respondents have entered appearance. However, no written statement has been filed controverting the claim of the applicant. We have heard Mr B.K.Sharma, learned counsel appearing on behalf of the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents. Mr Sharma submits that as per the scheme the applicant being qualified ought to have been given compassionate appointment. This was denied in spite of the recommendation from the department without any reasons. The Government of India having prepared a scheme for this, the authority is bound to give appointment if posts are available. Mr Sharma further submits that it is not the case of the respondents that there was no vacancy. Mr Deb Roy, learned Sr.C.G.S.C finds it difficult to ~~take~~ support the inaction of the respondents in not giving appointment and more so as no written statement has been filed. Considering

the entire facts and circumstances of the case and on hearing the counsel for the parties we are inclined to give a direction to the respondents to consider the case of the applicant and if she is qualified and fulfills the conditions of the compassionate appointment scheme she shall be appointed in any suitable post commensurating to the educational qualifications and it must be done as early as possible at any rate within a period of 3 months from the date of receipt of this order. The authority while giving appointment should consider her posting in a place near her residence as she is lone widow ^{to} and look after her parents in law.

Application is allowed. Considering the facts and circumstances of the case however, we make no order as to costs.


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER


(D.N.BARUAH)
VICE CHAIRMAN