

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 255/02.....

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SECTION OFFICER (Judl.)

28/11/17

FROM No. 4
(SEE RULE 42)

GENERAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 255 2002

Misc Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants. Smti L. Devi

-Vs-

Respondant(s) CEP 2018

Advocate for the Applicant(s) Mr SC Biswas, M.K. Majumdar,
A. Basu, S. Das & B. Choudhury

Advocate for the Respondant(s) Case

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|-----------------------|------|-----------------------|

This application is in
form of a petition for
the purpose of the Act.

9.8.02

There is no representation. The
case is adjourned to 13.8.2002 for
admission.

Rs. 5/-

10/8/02

9-8-2002

70576611

CCUsha
Member

Vice-Chairman
Vice-Chairman

pg

13.8.2002

Put up on 26.8.2002 for admission.

CCUsha
Member

Vice-Chairman
Vice-Chairman

bb

NO steps

WTS
8/8/02

26.8.02 Heard Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents and also Mr. M.K. Mazumdar, learned counsel for the applicant.

The application is admitted. Call for the records.

The respondents are allowed four weeks time to file written statement.

List on 24.9.2002 for orders.

K. C. Sharma
Member


Vice-Chairman

mb

24.9.02

On the prayer of Mr. A. Deb Roy, Sr. C.G.S.C. further two weeks time is allowed for filing of written statement. List on 7.11.02 for orders.

K. C. Sharma
Member


Vice-Chairman

lm

7.11.02

Further four weeks time is allowed on the prayer made by Mr. A. Deb Roy, Sr. C.G.S.C. for filing of written statement. List on 10.12.02 for orders.

K. C. Sharma
Member


Vice-Chairman

12.11.02

W/s submitted
by the Respondents.

lm

10.12.02

Written statement has been filed. List the matter for hearing on 6.1.2003.

K. C. Sharma
Member

mb

| Note of the Registry | Date | Order of the Tribunal |
|---|----------|---|
| <p>5.3.2003</p> <p>Copy of the order was been sent to the office for (copy) the same to the applicant as well as to the N.C.G.S.C. dk</p> | 6.1.2003 | <p>Present: Hon'ble Mr Justice V.S. Aggarwal, Chairman</p> <p>Hon'ble Mr K.K. Sharma, Administrative Member</p> <p>Heard Mr M.K. Majumder, learned counsel for the applicant. There is no representation on behalf of the respondents. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs.</p> <p><i>K.K. Sharma</i> Member</p> <p><i>V.S. Aggarwal</i> Chairman</p> <p>nkm</p> |

| Note of the Registry | Date | Order of the Tribunal |
|----------------------|------|-----------------------|
|----------------------|------|-----------------------|

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / XXXX No. 255 . . . of 2002

6.1.2003
DATE OF DECISION
NAME OF JUDGE

...Smt Lakheswari DeviAPPLICANT(S).

Mr M.K. Majumder ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

.. The Union of India and othersRESPONDENT(S).

.. Mr. A. Deb Roy, Sr. C.G.S.C. (not present) ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR JUSTICE V.S. AGGARWAL, CHAIRMAN

THE HON'BLE MR K.K. SHARMA, 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 Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.255 of 2002

Date of decision: This the 6th day of January 2003

The Hon'ble Mr Justice V.S. Aggarwal, Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

Smt Lakheswari Devi,
Wife of Late Hem Chandan Borah,
Village- Chagoli Chuburi,
P.O.- Bihuguri, District- Sonitpur,
Assam.

.....Applicant

By Advocate Mr M.K. Majumder.

- versus -

1. The Union of India, represented by
The Scientific Advisor to Raksha Mantri,
Ministry of Defence,
D.G.R. & D. Organisation,
New Delhi.

2. The Director Research Laboratory,
Tezpur, Solmara, P.O.- Dekargaon,
District- Sonitpur, Assam.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C. (not present).

.....

O R D E R (ORAL)

V.S. AGGARWAL. J. (CHAIRMAN)

The applicant by virtue of the present application seeks a direction to the respondents to consider the case of her son for appointment to any post in Grade 'C' or Grade 'D' on compassionate grounds.

2. Some relevant facts are:

That, the husband of the applicant died on 11.11.1995. He left behind the applicant and a son, Bipul Chandra Nath. The applicant submitted an application for compassionate appointment of her son on 12.12.1995



pleading inter alia that she has no source of income in the family and her husband had died after a prolonged illness. She complains that though she was assured that her case would be processed and she should wait, but, ultimately, the request of the applicant had not been accepted. Hence the present application.

3. Needless to state that in the reply filed the application has been contested. It is not in dispute that the husband of the applicant had died as alleged by the applicant and that she had submitted an application for appointment of her son on compassionate ground. It is stated that as per the decision of the Government of India, since the case of the applicant and her son did not fall within the guidelines or in other words, the income of the family was more than the prescribed amount and they were not below the poverty line, the request has been rejected.

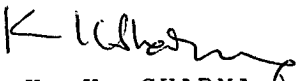
4. After hearing Mr M.K. Majumder, learned counsel for the applicant, we are of the opinion that in the peculiar facts it will not be permissible for this Tribunal to interfere. We have already listed the details in the preceding paragraphs to indicate that after the death of her husband, the applicant had applied for appointment of her son on compassionate ground, but what has not been disputed is that 5% of the DR vacancies are reserved for appointment on compassionate ground. The instructions of the Government of India further provides that the income of the family should be below the poverty line. In the present case on both the counts the prayer fails. It has been pointed out that there are no DR vacancies for appointment of the applicant's son on compassionate ground since the income of the applicant and her son is pension Rs.535 + D.A. Rs.791.80 which comes to Rs.1326.80 per


month.....

18 Ag e

month which is above the poverty line so fixed. Resultantly, looking at the case of the applicant from this angle the applicant is not entitled to the relief claimed. The application must fail and it is dismissed.

No order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(V. S. AGGARWAL)
CHAIRMAN

nkm

87b

Applicant. Smti. Laksheswari
Devi.
On behalf of the applicant
filed by
Abdul Bari
Advocate
31-7-02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

(An Application under section 19 of the
Administrative Tribunals Act, 1985).

Title of the case - O.A.No. 255/2002.

smti. Laksheswari Devi.

..... Applicant.

-versus-

Union of India & ors.

..... Respondents.

I N D E X.

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Filed by - Abdul Bari

Advocate.
31-7-02.

on behalf of the
applicant filed by
Abdul Basij
Advocate
31-7-02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

(an Application under section 19 of the
Administrative Tribunal Act, 1985).

O.A. No. / 2002

BETWEEN -

Smti Laksheswari Devi,
W/o. Late Hem Chandra Borah,
village - Chagoli Chuburi,
P.O. - Bihuguri,
District - Sonitpur, Assam.

..... Applicant.

AND -

1. Union of India,
represented by -
The Scientific Advisor to Raksha Mantri,
Ministry of Defence, D.G.R & D. Organisation,
New Delhi - 110011.
2. The Director Research Laboratory,
Tezpur, Solmara, P.O. - Dekargaon,
District - Sonitpur, Assam.

..... Respondents.

শ্রী লক্ষ্মী দেবী

1. DETAILS OF THE APPLICATION.

Particulars of Order(s) against which this application is made.

subject in Brief.:- undue delay in considering the appointment of the only son of the applicant on compassionate ground on death of her husband after prolong treatment of cancer on 11.11.95.

2. Jurisdiction of the Tribunal.

The applicant declares that the subject-matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicant further declares that, the application is not barred by limitation.

4. Facts of the case :-

4.1. That the applicant is a citizen of India and as such she is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2. That the applicant lost her husband on 11.11.95 when he was an employee of the office of

the.....

the Director, Research Laboratory, in the post of Junior Gestetner operator of D.R.L., Tezpur.

Copy of Death certificate is annexed as Annexure - 1.

4.3. That the husband of the Applicant died of cancer after prolong treatment leaving behind the Applicant wife and their only son Sri Bipul Chandra Nath as dependent.

Copy of the legal heir certificate is annexed as Annexure - II.

4.4. That on death of the husband, the Applicant on advise of the Respondent No. 2 filed application for compassionate appointment of her son on 12.12.95 contending inter alia that there is no source of income in the family and the husband died after prolong treatment of cancer for which they had to spend money like anything but unfortunately he died which caused them economically suffer and since there was no other source of income they had to borrow money from relatives and prayed to appoint her only son on compassionate ground to meet up the immediate need for mere survival of the dependant.

A copy.....

শ্রীমৎশ্রীদেবী

A copy of the representation dated 12.12.95
is annexed as Annexure - III.

4.5. That on receipt of the application the respondent directed the applicant to submit some papers and document in the form of affidavit, legal heir certificate and no-objection certificate to appoint her son on compassionate ground and accordingly the applicant submitted the required papers and documents with declaration that she does not have any objection for consideration of her son's appointment on compassionate ground under die-in-harness scheme and waited for early reply from the respondent.

4.6. That thereafter she met the Respondent No. 2 personally and represented and prayed for early appointment of her son against any post available. The respondent in reply simply assured her that her case is under process and asked to wait.

4.7. That in the year 1997 the respondent asked the applicant to file legal heir certificate and the declaration again to complete the process of granting compassionate appointment and the applicant finding

no other.....

শ্রী নরেশ্বরী দেবী

no other alternative filed the same papers with the hope that this time her prayer will be considered and the authority duly received the same under seal and signature.

Copy of the affidavit dated 20.5.97 is annexed as Annexure - IV.

4.8. That as the Respondent did not take any step to provide a job to the son of the applicant for a long time and as the financial condition of the family became miserable one due to heavy loan taken at the time of treatment, the applicant again submitted another application to the Respondent No.1 on 7th March, 2000 reiterating the facts inter alia that she already applied to the Director, Research Laboratory, Tezpur on 12th December, 1995 for appointment of her son on compassionate ground but no appointment offer have been given to her son. The copy of the application was also sent to the Respondent No. 2 for necessary action.

Copy of the application dated 7.3.2000 is annexed as Annexure - V.

4.9. That the applicant thereafter sent reminder on 9.5.2000 to the Respondent No.1 with copy to the

Respondent

অনুলিপি প্রদত্ত

Respondent No. 2 referring her application dated 7.3.2000 requesting to intimate her the present position of appointment of her son.

It is pertinent to mention that, thereafter she corresponded with the Respondent over telegram on 21.6.2000, 18.8.2000 which could at least resulted to reopen the case of sympathetic consideration by the Respondent to ask the applicant and the son to file afresh no objection certificate by mother against consideration of compassionate appointment of her son, fresh application by the son seeking appointment on compassionate ground with testimonials and biodata etc. The applicant being left with no options but to comply with the superannuating power of the authority submitted the required particulars afresh for favourable consideration on 5.1.2001.

copy of the reminder, fresh application no objection certificate and testimonials with biodata are annexed as Annexure VI-series, and VII and VIII series respectively.

4.10. That since submission of application in the year 1995 the authority have not considered the case

of the.....

श्री नरेश्वरी देवी

of the applicant instead they have unnecessarily dragging the matter asking time and again to file fresh application which is against the formulated scheme of the Government which resulted to ruin the family.

4.11. That the applicant most humbly submits that, due to non-consideration of the appointment of her son and merely dragging the matter the family is being forced to a helpless situation where there appears to be no positive hope of consideration by the respondent as such, finding no other alternative, the applicant ~~approach~~ approaching this Hon'ble Tribunal for protection of her legitimate right and it is a fit case where the Hon'ble Tribunal may take lenient view to interfere with and to protect the right and interest of the applicant by directing the respondent to consider the case of the applicant.

4.12. That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provision.

5.1. For that, the respondent acted illegally and arbitrarily in non-consideration of the case of the applicant for a long time and violated.

5.2.....

श्री नरेश चंदी देवी

5.2. For that the Respondent till date have not considered the prayer for compassionate appointment nor have intimated position instead, even after lapse of 6 years seeking fresh application without considering the earlier one filed on 12.12.95.

5.3. For that the Respondent have considered the case of other applicant who are similarly circumstanced but have not considered the case of the applicant and this violated the provision of Art. 14 and 16 of the constitution of India.

5.4. For that, as per the formulated scheme, the dependent family of the deceased who died in harness, shall be immediately extended help to save them from immediate necessity providing appointment on application. But in the instant case, the Respondent in total defiance of the scheme delayed the matter without even considering the spirit of the scheme and thereby frustrated the right guaranteed under Article 19, 38, 39, 41 and 43 of the constitution of India.

5.5. For that, the application was filed within one month of death, being eligible to be considered, but

since....

श्री लक्ष्मी देवी

since then he was assured and the applicant acted on legitimate and bona fide expectation, but the Respondent did not intimate anything and kept the matter pending which amounts to denial and while denying the Respondent did not give opportunity of hearing which violates principle of natural justice and administrative fair play.

6. Details of remedies exhausted.

That the applicant states that she has exhausted all the remedies available to her by filing application, reminder etc. and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other court.

The applicant further declares that, she had not previously filed any application, writ petition, or suit before any court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, writ petition or suit is pending before any of them.

8.....

श्री नरेश्वरी देवी

8. Relief(s) sought for :

In view of the facts mentioned in para 4 above the applicant prays for the following relief(s) :-

- (I) to direct the respondents to consider the case of the applicant appointing her son in any post of Grade- 'C' or Grade - 'D' on compassionate ground and/or grant the approval/sanction for appointment on compassionate ground under Director, Research Laboratory, Tezpur, within a very short period.
- (II) any other appropriate relief(s) as the Hon'ble Tribunal may deem fit and proper.

9. Interim order, if any, prayed for :

Pendency of this application shall not be a bar to consider the case of the applicant's son as per scheme of the Government.

10. Particulars of the I.P.O.

- i) I.P.O. No. : ~~76376644~~ 762576601
- ii) Date of Issue : ~~25-7-02~~ 8-8-2002
- iii) Issued from : Gauhati
- iv) Payable at : at Gauhati

11. List of enclosure : As given in the Index.

VERIFICATION.

I, Smti. Lakheswari Devi, wife of late Hem Chandra Bora, aged about 49 years, resident of Chagoli Chuburi, Bihuguri, Sonitpur, do hereby verify that the statement made in paragraphs 1 to 4 and 6 to 11 are true to my knowledge and those made in paragraph 5 are true to legal advice and I have not suppressed any material fact.

And I sign this verification on this 31st day of July, 2002.

সীতাক্ষরী দেবী

signature of the Applicant.

Annexure - I.

BPHC/95/1879.
28.11.95.

DEATH CERTIFICATE.

Form No. 10.

It is hereby certified that the below mentioned information has been collected from the original register of the office of the BPHC, Mouza - Bihuguri under Gabharu Development Block, District - Sonitpur, Assam.

Name - Hem Chandra Borah.

Male.

Date of death: 11.11.95. Nationality. Indian.

place of death : Chagolia Chuburi. permanent Address:-

Chagoli Chuburi, P.O.

~~near~~ Bihuguri, Sonitpur.

son of : Late Sonai Bora.

Present Address:- Chagoli Chuburi. Regdn. No. 282.

Date of regdn.-~~x~~
16.11.95.

Sign. of issuing authority

Designation. ~~is~~ - illegible.

Date - 28.11.95.

N.B.: Cause of death recorded in the Registrar
~~without~~ will not be mentioned.

✓ Affected


Advocate.

Annexure - II.

GOVERNMENT OF ASSAM,
OFFICE OF THE DEPUTY COMMISSIONER:: SONITPUR:: TEZPUR.
(MAGISTRACY BRANCH).

No. SVF-3/96/97/662. Date- 27.3.97.

C E R T I F I C A T E.

This is to certify that the following persons are the legal heirs of deceased Hem Chandra Bora of vill. - Chagalichuburi under Tezpur police station, District - Sonitpur, Assam. The deceased was serving as J n. Gestetner Operator under Defence Research Laboratory, Tezpur, Assam.

| <u>S.No.</u> | <u>Name.</u> | <u>Relationship.</u> | <u>Age.</u> |
|--------------|--------------------------|----------------------|-------------|
| 1. | smti Lakheswari Devi. | Wife. | 45 years. |
| 2. | Shri Bipul Chandra Nath. | son. | 26 " |

This certificate is issued on the basis of the report received from the circle officer, Tezpur Revenue Circle vide No. TRC-2/94-97/3149, dtd. 12.3.97.

This ~~is~~ certificate is issued for the purpose of Pension, Gratuity and G.I.S. only.

sd/-
Addl. Deputy Commissioner,
sonitpur, Tezpur.

Memo No. SVF. 3/96-97/662(A) Date - 27.3.97.

Copy to :- Shri Bipul Chandra Nath, S/O. Late Hem Chandra Bora, village - Chagali Chuburi with reference to his application dtd. 24.2.97.

sd/- Illegible.
Addl. Deputy Commissioner,
sonitpur, Tezpur.

Attested

Advocate.

Annexure - III.

TO
The Director,
Defence Research Laboratory.

sub:- Application for the post on compassionate
Ground in Sri Bipul Chandra Nath.

Sir,

With due respect ~~of~~ I would like to intimate
you the following few lines for your kind consideration
that Sir,

(i) My husband late Hem Chandra Borah, T.G.O. was
an Employee of this Laboratory and expired on 11th Nov.
1995 after pmlong illness.

(ii) I have no other source of income in my family
after
after my my husband Expired. As a result I have been
paying economically trouble to run my family.

(iii) so under this circumstances, I pay to you to
appoint my son Sri Bipul Chandra Nath on compassionate
ground in this laboratory.

Thanking you,

Yours faithfully,

Date - 12.12.95.

M^x sd Sri Laksheswari Debi.
Miss - Late Hemchandra Borah.
Vill. - Chagolichuburi,
P.O. - Bihuguri,
Dist - Sonitpur (Assam).

Attested


Advocate.

annexure - IV.

A F F I D A V I T.

I, Smti. Lakheswari Devi, s/o. Late Hem Chandra Bora aged about 45 years, by religion Hindu by occupation housewife a resident of village Chagolichuburi, Mouza - Bihuguri, in District - Sonitpur, Assam, do hereby on solemn oath and affirmation, state as under :-

1. That Sri Bipul Chandra Nath is my only son and I am dependent on him.
2. That I do hereby solemnly declare that I have wilfully given my consent to the appointment of my son Sri Bipul Chandra Nath on compassionate ground consequential to the death of my husband abovenamed who died while in service.
3. That this affidavit shall be used by way of my declaration to the effect that I have given my wilful consent in the matter of appointment of my son Sri Bipul Chandra Nath on compassionate ground.

verification.

I, Smti. Lakheswar Devi, do hereby declare that the statements made above are true to the best of my knowledge and belief and I sign this verification at Tezpur on 20th day of May, 1997.

Identified by -

Sd/- Sri Lakheswari Debi.

Sd/- illegible.
Advocate, Tezpur.

sworn before me by the deponent
being identified by Sri K.P. Saikia,
Advocate, Tezpur.

Sd/- illegible
20.5.97.
Magistrate, Tezpur.

Attested


Advocate.

Annexure - V.

From : Smt. Lakheswari Devi,
W/O. Late Hem Chandra Borah,
Vill. - Chagali Chuburi,
P.O. - Bihugiri.
Distt. - Sonitpur (Assam)

To : The Scientific Adviser to Raksha Mantri,
Ministry of Defence
EG R & D Organisation,
New Delhi - 110011.

Subject :- Request for the post of LDC. of Sri Bipul
Chandra Nath as Compassionate Appointment.

Sir,

With due respect I beg to state the following few lines
in connection of appointment of my son Sri Bipul Ch. Nath :

- (a) That Sir, I am the wife of Sri Hem Chandra Borah
who was serving under DRG, Tezpur as Gestetner
operator and expired on 11 Nov. '95 after pmlong
suffering from cancer.
- (b) That my husband has no income source except the
low grade service.
- (c) It is very difficult to me to maintain our family
from the family pension.
- (d) That Sir, I have already applied to Director
Research Laboratory, Tezpur for appointment of my
above son on 12 Dec. '95 with complete documents.
But appointment is not yet getting by my above son.

Therefore, you are requested kindly consider my case
and appointment may please be made to my son so that I may
be able to maintain our family particularly in this hard
days.

Your kind consideration is requested please.

Thanking you.

Date: 07 Mar' 2000.

Yours faithfully,

Sd/- Sri Lakheswari Debi.

(SMT. Lakheswari Debi).

Copy to :-

1. Director Research Laboratory
Tezpur, Solmara, P.O.-Dekhargaan,
Dist. Sonitpur, (Assam). : Request for necessary
action on the above matter.

Attested

Advocate.

annexure - VI (series).-1.

From :

Smt. Lakheswari Devi,
Late Hem Chandra Borah,
Vill. - Chhagali Chuburi,
P.O. - Bihuguri,
Dist. - Sonitpur (Assam).

To

The Scientific Adviser to Raksha Mantri,
Ministry of Defence,
DG R D Organisation,
New Delhi - 110011.

Subject :- Request for the post of LDC of Sri Bipul
Ch. Nath, as compassionate appointment.

Sir,

Reference my application dated 07 Mar '2000.

May the present position of appointment of my son
Sri Bipul Chandra Nath please be intimated at an early
date.

Thanking you.

Yours faithfully,


Sd/- Sri Lakheri Debi,

Dated : 09 May, '2000. (SMT. LAKHESWARI DEVI).

Copy to :-

- | | |
|---|---|
| 1. Director, Defence Research Laboratory, Tezpur, Solmara, P.O. Dekargaon, Dist. Sonitpur (Assam). | X Reference my appli- cation dated 07 Mar' 2000, X I may please be intimated X present position of X appointment of my above son Sri Bipul Ch. Nath at an early date. |
|---|---|

Attested


Advocate.

Annexure - VI (Srs.) - 3 2.


The Scientific Adviser to Raksha Mantri
Ministry of Defence,
DG R & D Organisation,
New Delhi - 110011.

compassionate appointment in respect of Sri Bipul
Ch. Nath as LDC (.) Refer my application dated 07 Mar
' 2000 and reminder dated May ' 2000 (.) I am facing
financial hardship (.) My husband Sri Hem Chandra Borah
serving under DRG Tezpur, as Gestetner Operator and
expired on 11 Nov. '95 while on service (.) request
consider my case and arrangement of appointment my son may
please be made at an early date.

Dated 21 Jun ' 2000.

Sd/- Sri Lakheswari Debi,
W/O. Late Hem Ch. Borah,
vill. Chagali Chuburi,
P.O. - Bihuguri,
Dist. - Sonitpur (Assam).

Attested


Advocate.

Annexure- VI (Srs) - 3.

From : Smt. Lakheswari Devi,
W/O. Late Hem Ch. Borah,
vill. Chagali Chuburi,
P.O. - Bihuguri,
Dist. - Sonitpur (Assam).

To : The Scientific Adviser to Raksha Mantri,
Ministry of Defence,
DG & D. Organisation,
New Delhi - 110011.

Subject:- Request for the post of X LDC of Sri Bipul
Ch. Nath as Compassionate appointment.

Sir,

Reference my application dated 07 Mar '2000, reminder
dt. 09 May '2000 and Fax dated 21 Jun '2000.

It is submitted that in spite of repeated appeal/
reminders for appointment of my son Sri Bipul Ch. Nath,
neither any reply nor appointment order has so far been
received.

Therefore, your honour is requested kindly look into
the matter sympathetically and do needful for appointment.

Thanking you.

Yours faithfully,

Dated : 18 Aug. '2000.

Sd/- Sri Lakheswari Debi.

(SMT. Lakheswari Devi).

Copy to :-

Director,
Defence Research Laboratory,
Tezpur, Golmara,
P.O. - Dekargaon,
Dist. Sonitpur (Assam).

Attested

Advocate.

Annexure - VII.

To
The Director,
Defence Research Laboratory,
post Bag No. 2,
Tezpur (Assam).

Sub:- Application for Appointment on compassionate Ground.

Sir,

With due respect I would like to state the following few lines for your kind consideration.

1. My father late Hem Chandra Borah, Junior Gestetner Operator was an employee of this Laboratory and expired on 11 Nov. 95 after prolonged illness.
2. I have not other sources of income in my family after expired of my father. As a result I have been facing financial hardship to run my family.
3. My Bio-data is enclosed.
4. No Objection certificate from my mother for appointment me on compassionate Ground is also enclosed.

Under these circumstances, I pray to you to appoint me on compassionate Ground in a suitable post in this Laboratory.

Thanking you,

Yours faithfully,

Sd/- Sri Bipul Chandra Nath.

(Sri Bipul Chandra Nath),

S/O. Late Hem Chandra Borah,
Vill. - Chagali Chuburi,

P.O. - Bihuguri,

Dist. Sonitpur, Assam.

Date : 5.1.2001.

Attested

Advocate.


BIO-DATA.

1. Name in full : SHRI BIPUL CHANDRA NATH.
2. Father's Name : Late Hem chandra Borah.
3. Pmt. Address. : Vill. - Chagoli Chuburi,
P.O. - Bihaguri,
P.S. - puthimari,
Dist. - Sonitpur.
4. Local Address : Do.
5. Date of Birth : 20.10.69.
6. Caste : O.B.C. (Nath).
7. Educational qualification. - H.S.S.L.C.Pass.
8. Experience : NO.
9. Other qualification : Typewriting, and N.C.C.pass.
10. Religion. : Hinduism.

Date - 5 .1. 2001.

signature.

Attested


Advocate.

annexure - VIII series - 1.

To
The Director,
Defence Research Laboratory,
Post Bag No. 2,
Tezpur (Assam).

sub: No Objection certificate.

sir,

I snti. Lakheswari Devi wife of Late Hem Chandra
Borah, Vill. - Chagalichuburi, P.O.- Bihuguri, Dist. -
sonitpur, Assam, is hereby nominate Sri Bipul Chandra Nath,
my only son to appointment on compassionate Ground to your
Laboratory on my behalf.

I have no objection for his appointment at DRL,
Tezpur (Assam).

Thanking you.

Yours faithfully,

Sri Lakheswari Devi).

wife of late Hem Chandra Borah
Vill. - Chagalichuburi,
P.O. - Bihuguri,
Dist. - sonitpur, Assam.

Dated - 5.1.2001.

Attested

Advocate.

Annexure - VIII Srs. - 2

All Assam Other Backward Classes' Association

(A Regd/Recognised Socio-Economic Organisation
of OBC Assam).

(Ref. No. TAD/MISC/112/13 dated Dispur,
the 3rd March, 1976).

SURJYAKANTA BARUAH PATH:GAUHATI-781022.

Sl. No. 27061 of 1985. Date - 3.10.85.

Certified that Shri Bipul Ch. Nath, son of
Shri Hemchandra Nath, of vill. Chagoli Chuburi under
Police Station Tezpur, Subdivision Tezpur, in the
district of Sonitpur, Assam, belongs to Nath (Yogi)
caste/community which is recognised as Other Backward
Class/More other Backward Class by the Government of Assam.

/ /
sd/- Illegible.
President/General Secretary,
All Assam OBC Association (Seal)
(Authorised) Dist. President/Secretary
(Seal).

Countersigned by -
Deputy Commissioner/ (Seal)
Sub-Divisional Officer.

Attested

Advocate

Annexure - VIII Srs. '3.

Office No. 2081.

(Photo).

Board of secondary Education, Assam, Guwahati.

ADMIT.

Compartmental
Last Chance.

Bipul Chandra Nath, son of Hem Chandra Nath,
Rol. M 68 No. 266 to the High School Leaving
Certificate (Compartmental) Examination, 1988 to
commence on Friday, the 18th November, 1988. His/Her
Date of Birth is 20.10.69.

subjects for Examination.

E GM

Note :- Hours of Examination :

Morning - From 9 a.m. to 12 noon.

Afternoon - From 1.30 p.m. to 4.30 p.m.

N.B. - Any alterations made in the entries on this Admit
Card without the authority of the Board, renders the
candidate liable to disqualification for sitting at
this or any subsequent Examination. .

Sd/- K.C. Deka,

Controller of Examinations,

Board of Secondary Education
Assam,
Gauhati-21.

Countersigned

Sd/- Illegible.
Officer-in-charge.
Att. Officer-in-charge.
(Office Seal).

Attest

Advocate

Annexure - VIII Srs. 4.

OFFICE OF THE PRINCIPAL.
TEZPUR GOVT. H.S. SCHOOL.

Provisional Certificate.

This is to certify that Shri Bipul Chandra Nath son of Shri Hem Chandra Nath, Tezpur, appeared in H.S.L.C./Compartmental Examination, 1988 through this school as a Regular/private candidate under Roll M-68 No. 266. He/She had passed in the _____ Division/Compartmental Rules. His/Her date of birth is 20.10.1969.


His/Her conduct and character have been good.

I wish him/her success in life.

Date - 24.4.89.

Sd/- Illegible,
Principal,
Govt. H.S. School,
Tezpur

Attested


Advocate.

Annexure - VIII Srs. 7.

Sl. No. 104102.

Higher Secondary Education Council, Guwahati.

ADMIT.

Bipul Chandra Nath, son of Sri Hem Chandra Nath.
Roll 285 No. A-425 Registration No. 44133 year 1989-90.
To the Higher Secondary Examination, 1992 commencing
on the 6th of March, 1992.

| <u>MIL</u> | Elective subjects. |
|------------------|--------------------|
| <u>Alt. Eng.</u> | |

Note:- (a) subjects for
examination.

As

Eod. PSC(LP).

(b) Hours of Examination

Morning - From 9 a.m. to 12 noon.

Afternoon- From 1.30 p.m. to 4.30 p.m.

N.B. - Any alteration made in the entries on this Admission
Card without the authority of the Council renders the
candidate liable to disqualification for sitting at this
or any subsequent examination.

sd/- Illegible.

Countersigned-

sd/- Illegible.

25.2.92.

Principal.

(Office seal).

Controller of Examinations

Assam Higher Secondary Education
Council, Guwahati-1.

Attested


Ad. Officer

Annexure - VIIS.8.

Office of the principal
BIHAGURI HIGHER SECONDARY SCHOOL, Bihaguri.
Sonitpur (Assam).

Provisional certificate.

Book No. 9

Sl. No. 808.

This is to certify that Sri/Shrimati Bipul Ch. Nath
son/daughter of Sri/Late Hem Chandra Nath, of village
Chagoli Chuburi appeared in the H.S.L.C./H.S.S.L.C.
(Humanities/Commerce) Examination 1992 through this
school as a Regular/Private/Test. Private candidate
under Roll 285 No. A-426. He/She had passed in the
III (Third) Division. His/her date of birth is

His/Her conduct and character have been good.

Sd/- Illegible.
23.7.92.

Principal.
Bihaguri H. S. School,
Bihaguri.

Seal.

Seal.

Attested


Advocate.

Annexure - VIII - Srt. 10.

TO WHOM IT MAY CONCERN.

This is to certify that Shri Bipul Chandra Nath was a student of this Bihaguri Higher Secondary School. He was an NCC authority from time to time during the tenure of his cadetship.

He was honest, sincere, pains taking, well-disciplined and a Cadet of amiable disposition.

I wish him all success in life.

i/c. sd/- illegible.
1.8.87,
3rd Officer, NCC
Bihaguri H.S. School.
P.O. - Bihaguri.
seal.

seal.

Attested

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI.
Gauhati Bench

C.A. NO - 255 OF 2002

Sri Laksheswari Devi.

-vs-

Union of India & Ors.

- And -

IN THE MATTER OF:

Written statement submitted

by the respondents.

The respondents beg to submit written statement as follows :-

1. That with regard to paras- 1,2,3,4.1,4.2 and 4.3 the respondents beg to offer no comments.
2. That with regard to paras -4.4,4.5,4.6,4.7,4.8, 4.9,4.10 and 4.11, the respondents beg to state that First application on compassionate ground appointment received from Laksheswari Devi W/O Late H.C. Bora for her son Bipul Ch. Nath 14.12.95 but the application was incomplete.

Subsequently in several dates other documents like qualifications, biodata, succession certificate, affidavit, land revenue (2.48 kathas) receipts, OBC certificate,

contd...P/2

Filed by

27/8/02
(A. DEBROY)
Sr. C.O. & G.
C.A. T. Guwahati Bench

Employment Exchange registration card mark sheet of HSLC pass etc were received.

* Deceased H.C. Bora left behind wife and one son (adult unemployed)- total 2 Nos (certificate issued by DC Sonitpur on 27.3.97)

* Lakshwari Devi on 1.3.2000 represented her case to SA to RM copy received by this office on 15.3.2000.

* In the context of her representation DOP communicated Director DRL on 92.95.2000(received on 17.5.2000) to forward details of the case.

* Reminder from L.Devi to SA to RM on 18 Aug 2000, copy received by Director on 22.8.2000.

* Bipul Nath was called for typing test.

* Reminder received from DOP regarding non reply letter dtd.17.5.2000.

* Reminder L.Devi to SA to RM on 16.10.2000 copy received by DRL on 19.10.2000.

* Five application received from L.Devi on 15.1.2001

** Verification of school certificate in respect of Bipul Ch. Nath was sent to Inspector of School on 27.6.2001

* Verification was confirmed by Inspector of School on 5.7.2001.

contd....P/3

Application for appointment on compassionate ground was not forwarded to H.Q.

It is pertinent to submit her the Govt. of India's decision on compassionate appointment as follows :-

* 5% of DR vacancies for each post can be forwarded on compassionate appointment provided.

2. The income of the family should be below poverty line i.e. Rs. 1767 PM for 5(Five) members i.e. (353.44 x 5)

3. No carry forward of cases beyond 1 (One) year.

Present case.

1. No vacancy for DR for consideration.

2. Income of the family(2 Nos) i.e. pension during the year of commencement of pension is pension Rs. 535 + (DA 148%)

791.80 = 1326.80 which is much above the poverty line

(353.44 x 2 = 706.88) hence does not fall within the merit for consideration.

3. The case cannot be lingered any more because no carry forward has been prescribed beyond 1 year.


V E R I F I C A T I O N

u2

V E R I F I C A T I O N .

I, Shri Ajit Kumar Om presently
working as Technical Officer "B" be duly
authorised and competent to sign this verification, do
hereby solemnly affirm and declare that the statement
made in the paras are
true to my knowledge and belief, these made in paras
are true to my information
derived therefrom and rest are my humble submission, I
have not suppressed any material facts.

And I sign this verification on this th day
of 2002.

 (A.K. Om)

DECLARANT.