

(4)  
FORM NO. @  
(See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Original Application No. 34/06

Misc. Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicant(s) Sati Kusum Devi

Respondent(S) U. O. I 9015

Advocate for the Applicants Adil Ahmed

Advocate for the Respondent(S) \_\_\_\_\_

✓ CGSC

Rly St. Counsel

Notes of the Registry	Date	Order of the Tribunal
	8.2.2006	Present : Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

The application is in form  
is \_\_\_\_\_

deposited \_\_\_\_\_

No. 266/156789

Dated 8.11.05

N. Sub  
Dy. Registrar  
7.2.06

Steps Taken

AD

Heard Mr. A. Ahmed, learned counsel  
for the applicant and Ms. U. Das, learn-  
ed Addl. C.G.S.C. for the respondents.

Issue notice to the respondents.  
It appears that in the delay-condo-  
nation petition, no. of days has not  
been mentioned. Counsel for the applicant  
submits that he would like to file  
fresh affidavit. Let it be done.

Post on 2.3.2006.

Vice-Chairman

Notice & order sent  
to D/section for  
issuing to resp.  
nos. 1,2, along with  
notice's of M.P. 9/06  
by regl. A/D post.

mb  
2.3.2006

post the case on 4.4.2006 along  
with the M.P. 9/2006.

Vice-Chairman

17/2/06. D/No-223,224  
DI-20/2/06.

Contd.....

O.A. 34 of 06

4.4.2006. The counsel for the respondents would like to have file the written statement. Let it be done. Post the matter on 3.5.06.

Vice-Chairman

Im

3.5.2006

Ms.U.Das, learned Addl.C.G.S.C. submits that reply statement has been sent for vetting and therefore she requires some more time to file the same. Let it be done.v post on 24.5.2006.

Vice-Chairman

bb

24.05.2006

Mr. A. Ahmed, learned counsel for the applicant wanted to file rejoinder. Let it be done. Post on 27.06.2006.

Vice-Chairman

mb

27.06.2006

Ms U. Das, learned Addl. C.G.S.C. for the respondents submitted that she has already filed written statement. Learned counsel for the applicant is at liberty to file rejoinder, if any. Post on 28.07.2006.

Vice-Chairman

mb

28.07.2006

In view of the order passed in the Misc. Petition the O.A. is admitted. Learned counsel for the respondents submits that the written statement has already been filed. Post the matter for hearing on 17.8.06. In the meantime the applicant may file rejoinder, if any.

1-3-06

① Service report awaited.

② No Reply has been filed.

Notice duly served on resp. nos. 2, 1.

Service Completed.

No Reply has been filed.

31-3-06

2-5-06

No W/S has been filed.

23-5-06

No W/S has been filed.

23.5.06

W/S filed by the Respondents.

No rejoinder has been filed.

17.08.2006 Ms. S. Bhattacharjee, learned counsel for the applicant submitted that she is not ready in the matter and sought for adjournment.

Post on 11.09.2006. The application is admitted.

Vice-Chairman

mb

11.9.06 Learned counsel for the applicant has submitted that he has no rejoinder to be filed. Pleadings are completed. Post the matter for hearing on 31.10.06

Vice-Chairman

ln

31.10.2006 Ms. S. Bhattacharjee, learned counsel submits that she is not ready with the matter the matter may be posted on 6.11.2006.

Post on 6.11.2006. On that day if her senior is not available she will argue the matter.

Vice-Chairman

bb

6.11.2006 At the request made by learned counsel for the applicant the case is adjourned and posted on 9.11.2006.

Vice-Chairman

bb

9.11.06 Learned counsel for the applicant submitted that he is not ready in the matter. Case may be adjourned. Post on 7.12.06 for hearing.

Vice-Chairman

Why has been filed.

8.9.06

30-10-06

No rejoinder has been filed.

31.10.06

No rejoinder has been filed.

3.11.06

No rejoinder has been filed.

6.12.06

u

7.12.06

Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The O.A. is disposed of in terms of the order. No costs.

Vice-Chairman

pg

18/12/06

C. Copy has been collected by the L/Adv. for the applicant and a copy of the same handed over to the L/Adv. for the respn.  
H.

Received  
Alba Das  
Addendum  
19/12/06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

O.A. No. 34 of 2006

DATE OF DECISION 07.12.2006

Smt Kusum Devi

.....Applicant/s

Mr. A. Ahmed

..... Advocate for the  
Applicant/s.

- Versus -

U.O.I. & Ors.

.....Respondent/s


Miss Usha Das, Addl.C.G.S.C

..... Advocate for the  
Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench & other Benches ? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

  
Vice-Chairman/Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 34 of 2006.

Date of Order: This, the 7<sup>th</sup> Day of December, 2006.

The Hon'ble Mr K. V. Sachidanandan, Vice Chairman.

Smt Kusum Devi,  
Wife of Late Arjun Ram,  
T. No. 53  
Ex. Consy Safaiwala  
Station Headquarter  
Narengi Camp,  
Narengi, P.O. Satgaon,  
Guwahati-27.

....Applicant

By Advocate Mr A. Ahmed

- Versus -

1. Union of India  
represented by the Secretary to the  
Govt. of India, Ministry of Defence,  
101 sough Block,  
New Delhi-1.

2. The Administrative Commandant,  
Station Cell,  
Head Quarter, 51 Sub Area,  
Narengi, Guwahati-27.


.....Respondents

By Miss Usha Das, Addl.C.G.S.C.

ORDER (ORAL)

K.V.SACHIDANANDAN, (V.C)

The applicant's husband late Arjun Ram was a Conservancy Safaiwala, who expired on 8.1.1999 while he was working under Respondent No.2. The wife of the deceased filed representations before the 2<sup>nd</sup> respondent requesting for her appointment on compassionate ground on 5.3.199, 8.11.2000 and lastly on 15.7.2005 alongwith the original



documents but she has not received any reply from the respondents. Therefore, aggrieved by the said in action the applicant filed this O.A. seeking the following reliefs :

- i) The Hon'ble Tribunal may be pleased to direct the respondents to appoint the applicant in any Group D post on compassionate ground.
- ii) To pass any other relief or reliefs to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

2. The respondents have filed a written statement contending that the wife of late Arjun Ram was not a Harijan by caste but Christian by religion though she claims to be 'Muchi Caste' to get undue favour from the Hon'ble Tribunal and the respondents further submitted that they have asked the applicant to submit all relevant documents alongwith her representation as per rules but she failed to submit the caste certificate from Bihar. The post of conservancy safaiwala has been declared as Dying Cadre and there is a ban on recruitment therefore she cannot be considered for that post and her request cannot be acceded to.

3. Heard Mr A.Ahmed, learned counsel for the applicant and Miss U. Das, learned Addl.C.G.S.C for the respondents. The delay in filing the O.A has already been condoned and the O.A is taken up for hearing. When the matter came up for hearing the learned Addl.C.G.S.C has taken my attention to para 6 of the written statement, which reads as under :

That with regard to the statement made in para 4.3 of the O.A. the respondents beg to state that the applicant was asked to submit the relevant documents for taking action on her representation as per rule, but she fails to submit her caste certificates from Bihar where from her husband originally belong to, as per home address endorsed in the service book. Original home address is as under: Vill & P.O.-RODWIL, Dist-Munger (Bihar),

NRS- BASWDEA. But Mrs Kusum Devi, Wife of Late Arjun Ram (Ex Token No. 53, Conservancy Safaiwala has given her home address as under:- Vill NIZGOBARDHAN, PS-CHANDRAPUR, Dist. Kamrup, Assam. This Headquarters has been insisting on her to produce required documents from her husband's native place, Bihar that she has not done so far."

and submitted that the ground for rejection of the applicant's claim is that she has not submitted the relevant documents. Learned counsel for the applicant submitted that he may be allowed to submit a comprehensive representation alongwith the relevant documents to the authority and the said authority may be directed to dispose of the same with a speaking order. Learned counsel for the respondents submitted that she has no objection if the applicant files relevant and proper documents her case may be considered.

4. In the interest of justice this Tribunal direct the applicant to file a comprehensive representation alongwith the relevant documents before the competent authority of the respondents within 3 months from today and on receipt of such representation/documents the competent authority shall consider and dispose of the same as per rules within a time frame of 4 months from the date of receipt the representation.

The O.A. is disposed of as above. In the circumstances there will be no order as to costs.



( K.V. SACHIDANANDAN )  
VICE CHAIRMAN



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

Original Application No. \_\_\_\_\_

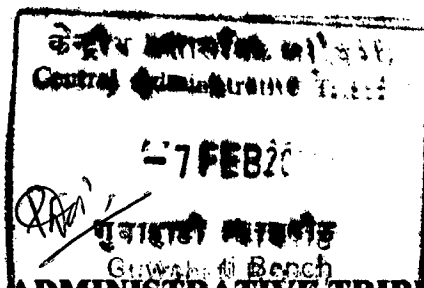
34/06

1. a) Name of the Applicant:- Smt. K. Devi  
b) Respondants:- Union of India & Ors.  
c) No. of Applicant(S):-
2. Is the application is the proper form:- Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title :- Yes / No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed :- Yes / No.
7. Whether all the annexure ~~parties~~ are impleaded :- Yes / No.
8. Whether ~~English~~ translation of documents in the Language:- Yes / No.
9. ~~Has~~ the application is in time :- Yes / No.
10. ~~Has~~ the Vokatlatnama/Memo of appearance /Authorisation is filed:- Yes / No.
11. Is the application by IPO/BD/for Rs.50/- 266 156789
12. Has the application is maintainable : Yes / No.
13. Has the Impugned order original duly attested been filed:- Yes / No.
14. Has the legible copies of the annexurea duly attested filed:- Yes / No.
15. Has the Index of the documents been filed all available :- Yes / No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes / No.
17. Has the declaration as required by item 17 of the form:- Yes / No.
18. Whether the relief sought for arises out of the Single: Yes / No.
19. Whether interim relief is prayed for :- Yes / No.
20. Is case of Condonation of delay is filed is it Supported :- Yes / No.
21. ~~Whether this Case can be heard by Single Bench/Division Bench:~~
22. Any other pointd :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:

SECTION OFFICER(J)

DEPUTY REGISTRAR

200/ day delay



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.**

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT 1985)

**ORIGINAL APPLICATION NO. 34 OF 2006.**

**Smti Kusum Devi**

...Applicant

**-Versus-**

**The Union of India & Others**

...Respondents

**LIST OF DATES AND SYNOPSIS:**

- 08.01.99 The Applicant's husband Late Arjun Ram, Ex. Consy. Safaiwala, T/53 was expired while he was working under the office of the Respondent No.2
- 05.03.99 The Applicant filed Representation before the Respondent No.2 requesting him appoint her as Consy. Safaiwala as Compassionate Ground.
- 08.11.2000 The Applicant filed another Representation before the Respondent No.2 with all Original documents for appointment as Consy. Safaiwala.
- 15.07.2005 The Applicant filed a Representation before the Respondent No.2 referring her earlier Representation. But till date the Respondent No.2 did not take any steps or action in this matter. Hence she has filed this Original Application before this Hon'ble Tribunal to direct the Respondents to consider the case of the Applicant by giving her appointment as Consy. Safaiwala on Compassionate Ground.

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.**

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT 1985)

**ORIGINAL APPLICATION NO. 34 OF 2006.**

Smti Kusum Devi

... Applicant

**-Versus-**

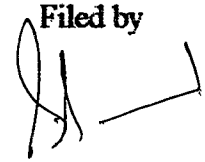
The Union of India & Others

... Respondents

**INDEX**

<b><u>SL. NO.</u></b>	<b><u>PARTICULARS</u></b>	<b><u>PAGE NO.</u></b>
1.	Original Application	1-7
2.	Verification	8
3.	Annexure-A	9
4.	Annexure-B	10
5.	Annexure-C	11
6.	Annexure-D & E	12-13

Filed by

  
(ADIL AHMED)  
ADVOCATE

filed by  
Smt Kusum Devi  
Applicant  
- through J.S. -  
(Adv. Ahmed)  
Amur

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.**  
(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT 1985)

**ORIGINAL APPLICATION NO. 34 OF 2006.**

BETWEEN

Smti Kusum Devi  
Wife of Late Arjun Ram  
T. No.53  
Ex. Consy Safaiwala  
Station Head Quarter  
Narengi Camp  
Narengi, P.O.-Satgaon,  
Guwahati - 27.

... Applicant

-AND-

1. The Union of India represented by the Secretary to the Government of India, Ministry of Defence, 101 South Block, New Delhi-1.
2. The Administrative Commandant Station Cell, Head Quarter, 51 Sub Area, Narengi, Guwahati-27

... Respondents

**1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:**

The Application is made for seeking a direction from this Hon'ble Tribunal to the Respondents for appointment of the Applicant on compassionate ground in any Group-D post under the Respondents.

**2) JURISDICTION OF THE TRIBUNAL:**

The Applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

১৩৫১ ৬৭৫১

### 3) **LIMITATION:**

The Applicant declares that the subject matter of the instant application is not within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985 and hence M.P.No. of 2006 is filed under section 5 of Limitation Act 1963 for condonation of delay in filing the instant Original Application.

### 4) **FACTS OF THE CASE:**

Facts of the case in brief are given below:

4.1) That your humble Applicant is a citizen of India and as such she entitled to all rights and privileges guaranteed under the Constitution of India. She belongs to a very poor economically backward Schedule Caste Community i.e. Muchi, Harijan Community.

ANNEXURE-A is the photocopy of Caste Certificate of the Applicant.

4.2) That your Applicant begs to state that she is the wife of Late Arjun Ram, Ex. Consy Safaiwali (T/53) who had served under the Office of the Respondent No.2 i.e. Office of the Station Commander, Station Cell, Head Quarter, 51 Sub Area, Narengi, Guwahati-27. Late Arjun Ram was expired on 8<sup>th</sup> January 1999 while he was working under the Office of the Respondent No.2. At the time of his death he left behind his wife i.e the Applicant and five minor children.

ANNEXURE-B is the photocopy of the Death Certificate of Late Arjun Ram, issued by the Government of Assam, Directorate of Health Services, Guwahati.

4.3) That your Applicant begs to state that after the death of her Late husband she immediately filed a representation dated 5<sup>th</sup> March 1999 before the Respondent No.2 requesting him to appoint her as Consy Safaiwala on Compassionate ground. Again she filed a representation on 08-11-2000 before the Respondent No.2 with all Original documents along with for necessary action in this matter. Lastly she filed a representation on 10.07.2005 before the Respondent No.2 for consideration of her case as per the existing rules. Surprisingly till date

4-21

209581 6451

the Respondent No.2 did not take any action in this matter. As such she is now compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

ANNEXURE-C is the photocopy of Representation dated 5<sup>th</sup> March 1999.

ANNEXURE-D & E is the photocopies of Representations dated 08.11.2000 and 15.07.2005.

4.4) That your Applicant begs to state that the Govt. of India has a scheme for compassionate appointment to Group-C and Group-D posts to the next to the kin who died in harness. The object of the Scheme is to grant appointment on Compassionate Grounds to a dependent family member of a Government servant dying in harness or who is retire on Medical Ground, thereby leaving his family in Penury and without any means of livelihood, to relieve the family of the Govt. Servant concerned from financial destitution and to help with get over the emergency.

4.5) That your Applicant begs to state that she is staying at a Rented House along with old aged parents and her minor children after the death of her husband. She is suffering from acute financial hardship till now. Nobody is there to look after the family members of the Applicant. The old aged parents of the Applicant is also suffering from various types of old ages diseases. The whole family pension amount of the Applicant exhausted in the treatment of her old aged parents. There is no other source of income of the Applicant. She is now on verge of starvation with her children. Since the death of her husband she had filed many representation before the Respondent No.2 requesting to appoint her on Compassionate ground in any Group-D post under him. But till now the Respondents have totally ignored the case of the Applicant.

4.6) That your Applicant begs to state that her husband Late Arjun Ram, Ex. Consy Safaiwali, Station Cell, Narangi rendered his service under the Respondent No.2 with sincerity and devotion to his duty till his death.

4.7) That your Applicant begs to state that she is suffering from frustration and mental depression due to non-appointment by the Respondents in any Group-D post in spite of being that her case is genuine and needs sympathetic consideration. There is not a single person in the family of the Applicant who has a Government or Semi Government job.

30/5/21 6/7/21

the Respondent No. 3 did not take any action in this matter. As such she is now compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

ANNEXURE-C is the photocopy of Representation dated 2<sup>nd</sup> March 1999.

ANNEXURE-D & E is the photocopies of Representations dated 08.11.2000 and 12.07.2002.

4.1) That your Applicant begs to state that the Govt of India has a scheme for compassionate appointment to Group C and Group-D posts to the next of kin who died in harness. The object of the Scheme is to grant appointment on Compassionate Grounds to a dependent family member of a Government servant dying in harness or who is retire on Medical Ground, thereby leaving his family in Poverty and without any means of livelihood, to relieve the family of the Govt servant concerned from financial destitution and to help with get over the emergency.

4.2) That your Applicant begs to state that she is staying at a rented house along with old aged parents and her minor children after the death of her husband. She is suffering from acute financial hardship till now. Nobody is there to look after the family members of the Applicant. The old aged parents of the Applicant is also suffering from various types of old ages diseases. The whole family tension amount of the Applicant existed in the treatment of her old aged parents. There is no other source of income of the Applicant. She is now on verge of starvation with her children since the death of her husband she has filed many representation before the Respondent No. 3 requesting to appoint her on Compassionate ground in any Group-D post under him. But till now the Respondents have totally ignored the case of the Applicant.

4.3) That your Applicant begs to state that her husband Late Vinu Ram Ex Constable Sahasrabh State Cell, Mangal rendered his service under the Respondent No. 3 with sincerity and devotion to his duty till his death.

4.4) That your Applicant begs to state that she is suffering from frustration and mental depression due to non-appointment for the Respondents in any Group-D post in spite of being that her case is genuine and needs sympathetic consideration. There is not a single person in the family of the Applicant who has a Government or semi Government job.

4.8) That your Applicant begs to state that non-appointment of the Applicant on compassionate ground by the Respondents have deprived the Applicant from her fundamental rights guaranteed under the Constitution of India.

4.9) That the Applicant humbly submits that the applicant has right to live and right to work as well as to avail the benefit of compassionate appointment which has been taken away by the Respondents and have violated the rights of the applicant enshrined under the Constitution. Hence, the action of the Respondents is illegal, arbitrary, mala fide and also in colourable exercise of power to accommodate their interested persons. As such, it is a fit case for immediate interference by this Hon'ble Tribunal.

4.10) That your Applicant submits that she is running from pillar to post for appointment on compassionate ground but till today the Respondents have not taken any steps or any action in this regard. As such it is a fit case to be interfered by this Hon'ble Tribunal by directing the Respondents to consider the Applicant's case for compassionate appointment in any Group-D post.

4.11) That your Applicant submits that she should be appointed immediately in any Group-D post under the Respondents.

4.12) That the Applicant demanded justice and the same has been denied to him.

4.13) That this application has been filed bona fide to secure the ends of justice.

## **5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:**

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, mala fide, arbitrary and without jurisdiction.

5.2) For that, the action of the Respondents in prima facie is mala fide, illegal and with a motive behind. As such, the action of the

Handwritten signature/initials at the bottom left corner.



Respondents is illegal, arbitrary and also violative of the natural justice.

- 5.3) For that, the Respondents have violated the fundamental rights guaranteed under Article 14, 16 & 21 of the Constitution of India.
- 5.4) For that, it is not just and fair to deprive the Applicant from getting appointment on compassionate ground by the Respondents.
- 5.5) For that the Central Government being a model employer cannot be allowed to adopt a differential treatment to the Applicant.
- 5.6) For that, similarly situated persons have already got the benefits of appointment on compassionate ground. As such the Respondents should also consider the case of the Applicant.
- 5.7) For that, the action of the Respondents is not maintainable in the eye of Law.

The Applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant application.

**6) DETAILS OF REMEDIES EXHAUSTED:**

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

**7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:**

That the Applicant further declares that she has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition of suit is pending before any of them.

28/5/2019

**8) RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above the Applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

- 8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to appoint the applicant in any Group-D post on compassionate ground.
- 8.2) To Pass any other relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- 8.3) To pay the cost of the application.

**9) INTERIM ORDER PRAYED FOR:**

At this stage Applicant does not seek any interim relief but if the Hon'ble Tribunal may deem fit and proper may pass any order/orders.

- 10) Application is filed through Advocate.

**11) Particulars of I.P.O.:**

I.P.O. No. :- 206-156789  
 Date of Issue :- 08-01-06  
 Issued from :- G.P.O.  
 Payable at :- Guwahati.

48552 64-11

### VERIFICATION

I, Smti Kusum Devi, Wife of Late Arjun Ram, T. No.53 , Ex. Consy Safaiwala, Station Head Quarter, Narengi Camp, Narengi, P.O.-Satgaon,, Guwahati - 27 do hereby solemnly verify that the statements made in paragraph nos. 4.4, 4.5, 4.6, 4.7, 4.8 — are true to my knowledge, those made in paragraph nos. 4.1, 4.2, 4.3 — are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 7<sup>th</sup> day of February 2006 at Guwahati.

कुसुम देवी

SI, No. : 19447

SATI RADHIKA SANTI ROAD

A high-contrast, black and white portrait of a woman, likely a religious figure, wearing a sari and a bindi. The image is framed by a thick black border.

Amil /  
Sante

-10-

Annexure - B

m No. 10  
নং - ১০



Sl. No.  
ক্রমিক নং 2190

(120)

GOVERNMENT OF ASSAM  
(অসম চৰকাৰ)  
DIRECTORATE OF HEALTH SERVICES  
(স্বাস্থ্য সেবা সঞ্চালকালয়)  
CERTIFICATE OF DEATH  
(মৃত্যুৰ প্ৰমাণ পত্ৰ)

ISSUED UNDER SECTION 12 of the Registration of Births and Deaths Act, 1969.  
ISSUED UNDER SECTION 17

(জন্ম আৰু মৃত্যুৰ পঞ্জীয়ন আইন ১৯৬৯ ৰ ১২/১৭ অংশত লিপিবদ্ধ)

This is to Certify that the following information has been taken from the original record of Death which is in the register for The month of Jan'y '77  
Registration unit of Gauhati Municipal Corpn of District Kamrup of the State of Assam.

ইয়াৰ দ্বাৰা প্ৰমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম ৰাজ্যৰ ----- জিলাৰ ----- খণ্ডৰ/  
পৌৰসভাৰ ----- মৌজাৰ অন্তৰ্গত ----- পঞ্জীয়ন গোটৰ পঞ্জীৰ মূল অভিলেখৰ পৰা  
সংগৃহীত কৰা হৈছে।

ARTUN RAM

INDIAN

Name/নাম : ----- Nationality/জাতি -----

Sex/লিঙ্গ : Male ----- Permanent Address/স্থায়ী ঠিকনা -----

Date of Death/মৃত্যুৰ তাৰিখ 8th June 1999 (Nineteen Ninety Nine) ----- 33 -----

Place of Death/মৃত্যুৰ স্থান Gauhati ----- Registration No./পঞ্জীয়ন নং ----- 25/1/99 -----

Name of Father/Mother/Husband/পিতৃ/মাতৃ/ ----- Permanent Residential Address/স্থায়ী বাসস্থান -----

স্বামীৰ নাম ----- Jit Bahadur ----- Mahkhuli, Gauhati - 26 -----

Signature of issuing authority/জাৰি কৰা স্বাক্ষৰ ----- B. Ghosh -----

Designation/পদবী ----- Chief Registrar -----

Date/তাৰিখ ----- 18/8/77 -----

Amrit  
18/8/77  
Sinto

24  
-11-  
ANNEXURE - "C"

(Typed Copy)

From: Mrs. Kusum Devi  
W/o Late T/No. 53 Consy Sfwl  
Arjun Ram  
Station Headquarters  
Guwahati (Narangi Camp)

To: The Administrative Commandant  
Guwahati (Narangi Camp)

Subject: Request for enrolment as Consy Sfwl

Sir,

May I request your kind honour to look into the following lines put up for your kind action please.

Sir, my husband Late T/No. 53 Consy Sfwl Arjun Ram was serving in your HQs as a CI-IV employee and he expired on 08 Jan 99 for which death cert already submitted to your office. As he was the only earning member after his death, I am facing a lot of monetary problem to maintain my day to day requirements with my five minor children.

It is, therefore requested that as and when any type of CI-IV vacancy falls vacant I may please be enrolled to your HQs so that I can offer my best services and earn my livelihood and maintain my family in these hard days.

I will remain ever grateful to your kindness, if your kind office get me chance of Govt. service under your command and control.

Thanking you in anticipation.

Yours faithfully

Sd/-  
(Smt. Kusum Devi)  
W/o Late T/No/ 53 Consy Sfwl  
Arjun Ram  
Station Headquarters  
Guwahati (Narangi Camp)

Date : 05 Mar 99.

Attn:  
SI  
Date

-12-

Answer - 1

From : Mrs Kusum Devi  
W/O Late T/No 53 Convy S/pt  
Arjun Ram  
Station Headquarters  
Guwahati (Nawangi Camp)

To : The Administrative Commandant  
Guwahati (Nawangi Camp)

Subject : Request for enrolment as Convy S/pt

Sir,

May I request your kind honour to look into the following lines put up for your kind action please.

Sir, my husband Late T/No 53 Convy S/pt Arjun Ram was serving in your HQs as a CI-W employee and he expired on 08 Jan 99 for which death cert already submitted to your office. As he was the only earning member, after his death, I am facing a lot of monetary problems to maintain my day-to-day requirements with my five minor children.

It is, therefore, requested that <sup>and</sup> as soon as any type of CI-W vacancy falls vacant, I may please be enrolled in your HQs so that I can offer my best services and earn my livelihood and maintain my family in these hard days.

I will now remain ever grateful to your kindness if your kind office get me chance of Govt Service under your command and control.

Thanking you in anticipation.

Yours faithfully,

KUSUM DEVI

Dated : 05 Mar 99

(Sd/- Kusum Devi)  
W/O Late T/No 53 Convy S/pt  
Arjun Ram  
Station Headquarters  
Guwahati (Nawangi Camp)

62/06/99

Attn:  
fil  
Ant

13  
24  
ANNEXURE - D.

(Typed Copy)

Dated 8/11/2006

To: The Adm Comdt  
Sta HQrs Guwahati

Subject: Submission of documents

Respected sir,

I Bidhawa, Kusum Devi wife of Late Arjun Ram, Station head Quarter is submitting all original documents for your necessary action on the subject Sir, documents are along with application.

For this act your kindness I shall be ever grateful to you sir,

Encl.: As 13 copies.

Yours faithfully

Sd/-  
(Bidhawa Kusum Devi)  
Wife of Late Arjun Ram  
Station HQrs, Ghy

Attended  
J. S. /  
Date



Annexure - D

Date 8/11/2001

To

The Nam Comole  
Sta Hqs Guwahati

Subject: Submission of documents

Respected Sir,

I Mrs. Blohade, Kusum  
Devi Wife Late Arjun Ram, Station  
Head Quarters submitting all original  
documents for your necessary action on  
the subject's documents are attached with  
application. For this act of your kindness  
I shall be ever grateful to you Sir.

Enc: AS. C-13 Papers

Yours faithfully  
BLOHADE KUSUM DEVI

Blohade Kusum Devi  
Wife of Late  
Arjun Ram  
Sta Hqs, Guwahati

Copy 08/11

Attested  
for  
Date

-15-

To;  
Adm Comdt.,  
Station Cell  
H. Q. 51 Sub. Area.

70  
Annexure - E  
Dated  
16.7.2005

In the matter of Employment in relaxation of Normal Rules.

Sir,

Ref. my petition No. - Nil dated 13-7-03. That Sir, my deceased husband Consy Safaiwalla, Arzun Ram, T. N. - 53 left behind my self with <sup>two</sup> minor Children in the year 1999 during his service period. As per exiting rules I have already submitted all papers relating to my employment in relaxation of normal rules. In this connection I made number of representation for considering of my case as a humanitarian aspect. Presently I am facing a lot number of problem after demise of my husband who was the only earning member of my family.

I do hope you will consider my case as per existing rules and help me for my livelihood with my two minor children.

Thinking you.

Yours faithfully

(Kusum Devi)  
W/O. - Late Arzun Ram.  
Ex. Employ of Station H. Q.

COPY TO :-

1. Eastern Command  
Fortwillim  
Calcutta
2. Commender  
(for information and necessary action please)  
51 Sub. Area.

Attest  
[Signature]  
Date

DISTRICT:



## - VAKALATNAMA -

### IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH, GUWAHATI

OA NO.

34

OF

2006

Smt Kusum Devi

APPLICANT

PETITIONER

-Versus-

The union of India & others

Respondent's  
Opposite party

Know all men by these presents that above named Smt Kusum Devi  
do hereby nominate, constitute and appoint Shri ADIL AHMED  
Advocate and such of the under mentioned Advocates as shall accept this  
Vakalatnama to be my/our true and lawful Advocates to appeal and act for me/us  
in the matter noted above and in connection therewith and for that purpose to do  
all acts whatsoever in that connection including depositing of drawing money,  
filing in or taking out deeds of composition, etc. for me/us and on my/our behalf  
and I /We agree to ratify and confirm all acts so done by the Advocates as  
mine/ours to all intents and purpose. In case of non-payment of the stipulated fee  
in full, no Advocate will be bound to appear and on my/our behalf.

In witness whereof I/We hereunto set my/our hand this the 6th day February  
2006.

#### ADVOCATES

A.R.Barooah

J.M.Choudhry

A.S.Bhattacharjee

N.M.Lahiri

G.K.Joshi

Adil Ahmed

A.K.Chaudhuri

R.P.Sharma

P.Sarma

S.A.Laskar

M.H.Choudhry

Sanjoy Mudoi

Sukumar Sarma

S.Jain

A.J.Atia

Received from the executants and accepted.

Advocate

*(Signature)*  
*(Signature)*

NOTICE

28

To

Miss Usha Das  
Addl. C.G.S.C.  
Central Administrative Tribunal  
Gurgaon Bench Gurgaon.

Date

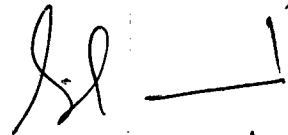
7.2.2006

Subject. Supply of Copy of original Application &  
M.P.

Sir,

Please find herewith Copy of original Application and  
Misc Petition filed by Smt Kusum Devi through me kindly  
acknowledge the receipt of the same. Thanking you.

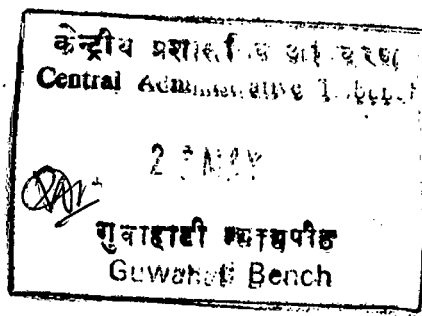
Yours faithfully

  
(Adv. A. H. M. B. D.)  
Advocate

Received Copy  
Usha Das.

Addl C.G.S.C

From G. Banerjee  
Sr. C.G.S.C  
7/2/06.



Filed by  
the Respondents through  
Alsha Das  
Addl CWSO  
15/5/06

1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

OA NO.34/2006

SMTI KUSUM DEVI

.....APPLICANT

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

- 1) That the respondents have received copy of the OA and have gone through the same and have understood the contentions made thereof. Save and except the statements, which are specifically admitted herein below, rests may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That with regard to the statements made in paragraphs 1 & 2 of the OA, the respondents beg to offer no comments.
- 3) That with regard to the statement made in paragraph 3 of the OA, the respondents beg to state that the present application is barred by limitation.
- 4) That with regard to the statement made in paragraph 4.1 of the OA the respondents beg to state that Mrs. Kusum Devi, wife of Late Arjun Ram (Ex Token No. 53, Ex Conservancy safaiwala id not Harijan by caste but Christian by religion. She is claiming to be Harijan, 'Muchi Caste' to get undue favor from the Hon'ble Tribunal. The respondents do not agree with the statements made in the paragraph hence needs confirmation.
- 5) That with regard to the statement made in paragraph 4.2 of the OA, the respondents beg to offer no comment.

- 6) That with regard to the statement made in paragraph 4.3 of the OA, the respondents beg to state that the applicant was asked to submit the relevant documents for taking action on her representation as per rule, but she fails to submit her caste certificates from Bihar where from her husband originally belong to, as per home address endorsed in the service book. Original home address is as under: - Vill & P.O.- RODWIL, Dist- Munger (Bihar), NRS- BASWDEA. But Mrs Kusum Devi, Wife of Late Arjun Ram (Ex Token No. 53, Conservancy Safaiwala has given her home address as under: - Vill- NIZGOBARDHAN, PS- CHANDRAPUR, Dist- Kamrup, Assam. This Headquarters has been insisting on her to produce required documents from her husband's native place, Bihar that she has not done so far.
- 7) That with regard to the statement made in paragraph 4.4 of the OA, the respondents beg to state that the compassionate appointment against died in harness is now under ban order imposed by Govt. of India as communicated by Army Headquarters vide their letter No. 92842/SD-7 (Adm Civs) dated 20 Sep 2005. It may also be stated that the post of conservancy safaiwala has been declared as Dying Cadre as per Headquarters, Eastern Command letter No. 104081/7/GS(SD) dated 23 Jan 2006 and Army HQ letter No.B/60565/SD-7(Adm Civ) dated 11 March 2005.

Copies of the said letters dated 11.3.2005 and 23.1.2006 are annexed herewith and marked as Annexure- R1 and R 2 respectively.

- 8) That with regard to the statement made in paragraph 4.5 of the OA, the respondents while denying the contentions made therein beg to state that the statement made by the applicant is false. No old parents of her late husband are living with her. As per service book of late Arjun Ram the recorded name of his father is Shri Jit Bahadur who is an inhabitant of Bihar. His recorded address is as under: -

Vill & P.O.- RODOLI  
Dist- Munghar (Bihar)  
BASWARA

- 9) That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to offer no comments.
- 10) That with regard to the statement made in paragraph 4.7 of the OA, the respondents beg to state that all legitimate dues have been paid to the nominee as per existing rules. In regards to her mental health there is no comments to make.
- 11) That with regard to the statements made in paragraph 4.8 of the OA, the respondents while relying and referring upon the statement made in paragraph 7 of this WS beg to state that as per Ministry of Defence / Govt. of India's policy letter, posts/vacancies of Conservancy Staff is a Dying Cadre and no further recruitment is being carried out due to imposed on recruitment.
- 12) That with regard to the statement made in paragraph 4.9 of the OA, the respondents while denying the contentions made therein beg to state that the applicant's contentions is not agreed to. Since there is ban imposed on overall employment and no vacancy has been released by the Govt. and hence there is no question of accommodating and person against non-existing posts.
- 13) That with regard to the statement made in paragraph 4.10 of the OA, the respondents beg to rely and refer upon the statements made in paragraph 11 and 12 of this written statement.
- 14) That with regard to the statement made in paragraph 4.11 of the OA, the respondents beg to submit that as per the Govt policies the case of the applicant cannot be considered.

Photocopies of the Govt Polices are annexed herewith as under

- (a) HQ Eastern Command letter No. 104081/7/GS (SD) dated 23 Jan 2006 is annexed as Annexure- R3.
- (b) MOD-D (Lab) letter (Supreme Court Verdict) – SD Dte/SD-7 is annexed as Annexure-R4.

- 15) That with regard to the statement made in paragraph 4.12 and 4.13 of the OA, the respondents beg to offer no comment.


- 16) That with regard to the statement made in paragraph 5.1 to 5.5 of the OA, the respondents while denying the contentions made therein beg to state that the applicant was asked to submit relevant documents to process her case which she has not done so far. Since there is overall ban on employment of such staff either through direct recruitment or died in harness, there is no way wherein this Headquarters could have employed the applicant without vacancies released for the same.
- 17) That with regard to the statement made in paragraph 5.6 and 5.7 of the OA, the respondents while denying the contentions made therein beg to rely and refer upon the statements made above and further beg to state that no similarly situated person has been appointed on compassionate ground.
- 18) That with regard to the statement made in paragraph 6 and 7 of the OA, the respondents beg to offer no comment.
- 19) That with regard to the statement made in paragraph 8.1 to 8.3 of the OA, the respondents beg to rely and refer upon the statements made above. The respondents further beg to submit that due to the ban on recruitment the case of the applicant cannot be considered on compassionate ground.
- 20) That with regard to the statement made in paragraph 9 to 12 of the OA, the respondents beg to offer no comment.
- 21) That in view of the above facts and circumstances of the case the Hon'ble Tribunal may be pleased to dismiss the OA.



VERIFICATION

I Shri Chandrasekhar P. B. Singh,  
aged about ..... years at present working as  
Offg. Administrative Commissioner  
....., who is one of the respondent and taking steps in this case, being  
duly authorized and competent to sign this verification, do hereby solemnly  
affirm and state that the statement made in paragraph  
1, 20 are true  
to my knowledge and belief, those made in paragraph  
2 to 19 being matter of records, are  
true to my information derived there from and the rest are my humble  
submission before this Humble Tribunal. I have not suppressed any material  
fact.

And I sign this verification this 08 <sup>th</sup> day of May 2006 at Gurgaon

  
DEPONENT  
Offg. Administrative Commissioner  
Gurgaon (Naranga Colony)

Tele :23018903



*206-6-34*

Addl Dte Gen of Staff Duties  
SD-7(Adm Civs)  
General Staff Branch  
Army Headquarters  
DHQ PO, New Delhi-11

No B/60565/SD-7(Adm Civs)

11 Mar 2005

8th HQ Narangi

**OA NO 18/2005 FILED BY SMT SANTOSHI KUMARI IN CAT GUWAHATI**

1. Reference note 2 dated 7 Mar 2005 received from MOD/D(Lab) regarding OA No 18 of 2005 filed by Smt Santoshi Kumari in CAT Guwahati (copy enclosed for your necessary action).
2. As per DOP&T OM No 2/8.2001-PIC dated 16 May 2001 vacancies under 5% quota for compassionate appointment are to be worked out from the vacancies approved by the Govt for Direct Recruitment under annual direct recruitment plan (ADRP). MOD has pointed out that the Consy Estt have been sanctioned by the local army authorities and not by the MOD and consequently have not been approving any consy vacancies for direct recruitment. Hence no compassionate appointment has been made for the last one year for want of consy vacancies under the prescribed quota. Chances of release of vacancies for consy staff by the MOD are remote.
3. In view of the foregoing, the position explained in para 2 above be included in the counter affidavit to be prepared in consultation with Govt Counsel. The draft counter affidavit be got vetted from Branch Sectt. Min of Law Calcutta before it is filed in the CAT Guwahati. A copy of the counter so filed in CAT be sent to this HQ.

Encl : as stated

*25*

*Ar*  
(A Rajan Babu)  
Dy Director  
GS/SD-7(Adm Civs)

For Dy Chief of the Army Staff (IS & T)

Copy to :-

MOD/D(Lab) - Wrt MOD/D(Lab) note 2 dated 7 Mar 2005.

*Attended  
has  
Addl chd e*

Tele : 2386

Civ EST

RLA 3492  
24/1

- 6 - 7 -

Headquarters  
Eastern Comd  
Fort William  
Kolkata - 21

104081/7/GS(SD)

Station Cell  
HQ 51 Sub Area  
Pin - 900328



23 Jan 06

**EMPLOYMENT ON COMPASSIONATE GROUNDS IN R/O SHRI GANESH MALI S/O LATE SHRI RAMESH CHANDRA, EX-CONSY SAFAIWALA OF STN HQ GUWAHATI**

1. Ref your letter No 7202/EST/NOK/T-397 dt 16 Jan 2006.
2. Docu received vide your letter mentioned above are returned herewith unactioned with the following observations :-
  - (a) As per Para 2.4 of DOPT OM No 2/8/2001-PIC dated 16 May 2001, vacancies under 5% quota for compassionate appointment are to be worked out from the vacancies approved by the Govt for direct recruitment under annual direct recruitment plan. MOD has pointed out that the consy estt has been sanctioned by the local army authorities and not by the MOD and consequently has totally stopped recruitment of consy staff. The consy staff has thus become a dying cadre.
  - (b) The proposal was taken up with DOPT to allow to utilize 5% of annual wastage vacancies of consy staff for making compassionate appointments as strength of other categories under SD Dte is very meager and does not have any vacancies under 5% quota from them for compassionate appointments. DOPT has not agreed to the proposal for the reason that compassionate appointments cannot be allowed in the dying cadre.
3. In view of the above, the request of Shri Ganesh Mali s/o Late Ramesh Chandra, Ex-consy safl of Stn HQ Guwahati for compassionate employment cannot be conceded to. No further correspondence will be entertained on this issue.
4. You are requested to intimate to the individual accordingly.

21

(VK Gautam)  
Col  
Col GS(SD)  
for COS

Attended  
WOM  
Add chse

Attended  
was  
Add chsc



37  
75  
HQ 3 Corps  
c/o 99 APO

Oct 05

10133/CS(SD)(i)

COMPASSIONATE APPOINTMENT: CONEY STAFF

Enclosed copy of Army HQ letter 10133/SD-7 (Adm 20 sep 05) is fwd  
for your info and necessary action please

*[Signature]*  
(AV Kumar)  
Col  
GSO 1 (SD/WE)  
for CDS

*Attended  
by  
Adl chse*



Tele: 23018903

10 -  
38  
Immediate

Regd/SDS

Addl Dte Gen of Staff Duties  
SD-7 (Adm Civs)  
General Staff Branch  
Army Headquarters  
DHQ PO, New Delhi-110011

No 92842/SD-7 Adm Civs)

20 Sep 05

HQs  
Southern Command (GS/SD)  
Eastern Command (GS/SD)  
Western Command (GS/SD)  
Central Command (GS/SD)  
Northern Command (GS/SD)  
Army Trig Command (GS/SD)  
South Western Command (GS/SD)

CC COMPASSIONATE APPOINTMENT : CONSY STAFF

1. Ref: DOPT OM No. 2/8/2001-PIC dated 17 May 2001.
2. As per Para 2.4 of DOPT OM ibid, vacancies under 5% quota for compassionate appointments are to be worked out from the vacancies approved by the Govt for direct recruitment under annual direct recruitment plan. MOD has pointed out that the consy est has been sanctioned by the local army authorities and not by the MOD and consequently has stopped recruitment. The consy staff has thus become a dying cadre.
3. The proposal was taken up with DOPT to allow to utilize 5% of annual wastage vacancies of consy staff for making compassionate appointment as strength of other categories under SD Dte is very meager and consequently does not have any vacancies under 5% quota from them for compassionate appointments. DOPT has not agreed to the proposal for the reason that compassionate appointments cannot be allowed in the dying cadre.
4. In view of the foregoing, it is requested that the Sth HQs under your command be advised not to forward the applications of the dependent of the consy staff dying in harness to Army HQ (SD-7). The applicants may be explained the Govt decisions given in paras 2 and 3 above and the applications returned to them.
5. Please acknowledge

*Munni Lal*  
(Munni Lal)  
Jt. Director  
GS/SD-7 (Adm Civs)  
For DCOAS (IS&T)

*Attested  
Addl Clk*

Notice

19

Date - 23/5/06

From,  
Usha Das  
Addl CHC

To,  
Mr. A. Ahmed  
Advocate

Sub: DA NO. 34/06 filed Court K. Deni

Sir,  
Please find herewith a copy  
of WS being filed today. Kindly  
acknowledge the receipt thereof.

Thanking You.

Sincerely Yours

Usha Das.

Addl CHC

Received copy

Advocate

I undertake to secure  
a copy of WS on  
Mr. A. Ahmed, Advocate  
Usha Das,