

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 146/2005

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SECTION OFFICER (Judl.)

Shahes
21/11/2017

(App. No. 489)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 146/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s) Manju Chanda

U.C.I. 903

Respondents _____

Advocate(s) for the Applicant(s) M. Chanda, C. H. Chakrabarti, S. Raith

Advocate(s) for the Respondents CAC. M. U. Ahmed

Notes of the Registry	Date	Order of the Tribunal
<p>Application No. 146/05 is filed on 15.6.05 and deposited on 16.6.05 No. 2009133815 Dated 15.6.05</p> <p><i>Alfrey</i> Dy. Registrar <i>15-6-05</i></p> <p><i>Alfrey</i></p> <p>Steps not taken.</p> <p><i>Alfrey</i></p> <p><i>M. U. Ahmed</i> <i>Adv. CAC</i></p>	16.6.2005	<p>Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. M.U. Ahmed, learned counsel for the respondents.</p> <p>The application is disposed of in terms of the order passed in separate sheets xxxxxxxxxxxxxx at the admission stage itself.</p> <p><i>Parashuram</i> Member</p> <p><i>Parashuram</i> Vice-Chairman</p>
<p>24.6.05</p> <p>Copy of the Judgment has been sent to the Office for sending the same to the applicant by post and copy of the same handed over to the Addl. C.G.S.C.</p> <p><i>Alfrey</i></p>	mb	

✓
May Kindly be seen
at flag 'A'.

The letter dated 4.8.05
received from, AI Vehicle Company
(P.O. 99 APO) regarding compensation
of O.A No. 146/05 (Smt. Mamta Chanda
- M- U.O. I Govt), The Works Comt's
order dated 16.6.05 has been
sent to the higher authority for
necessary direction and as and
when the direction received will
be communicated to this Works Comt.

SO (G)

16.8.05

Pass
(11/16/05)

~~DR~~

gleno

16/8/05

Hon'ble

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A. NO. 146/2005

DATE OF DECISION 16.6.2005.

Smt. M. ChandaAPPLICANT(S)

Mr. M. Chanda, Mr. G.N. Chakrabarty, Mr. S. NathADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

Union of India & Ors.RESPONDENT(S)

Mr. M.U. Ahmed, Addl. C.G.S.C.ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. K.V. PRAHLADAN, 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.


M

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 146/2005

Date of Order : This the 16th day of June, 2005.

The Hon'ble Sri Justice G. Sivarajan, Vice-Chairman.
The Hon'ble Sri K.V. Prahladan, Administrative Member.

Smti. Manju Chanda
W/o - Late Amitava Chanda
Vill - Amsing, Jorabat
P.O. - Satgaon
Guwahati - 27
Dist. - Kamrup, Assam

... Applicant

By Advocates Mr. M. Chanda, Mr. G.N. Chakraborty, Mr. S. Nath.

- Versus -

1. The Union of India,
Through the Secretary to the
Government of India,
Ministry of Defence,
New Delhi.
2. The Commandant,
C/o - 99 APO
Narengi, Satgaon
Guwahati.
3. The Chief Ordnance Officer,
41 Vehicle Company,
C/o - 99 APO

... Respondents

By Mr. M.U. Ahmed, Addl. C.G.S.C.

O R D E R (ORAL)

SIVARAJAN. J. (V.C.)

The applicant is the widow of late Amitava Chanda who was working as T/No. 83 Fitter Auto (SS) in 41 Vehicle Company, C/o 99 APO under the Government of India, Ministry of Defence, New Delhi. Late Amitava Chanda had left behind him his wife and four (4) children. The applicant made a representation (Annexure - 1) in

[Signature]

March, 2002 before the 3rd respondent for giving compassionate appointment to her. Now it is stated that after about 3 years a decision is taken by the higher authority on 24.02.2005 to consider the applicant's case for compassionate appointment. It is also stated that the applicant had produced no objection certificate in the form of affidavit from other legal heirs. The grievance of the applicant is that till date no final decision is taken in the matter.

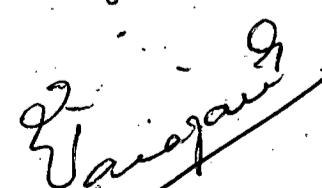
2. We have heard Mr. M. Chanda, learned counsel for the applicant and also Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents.

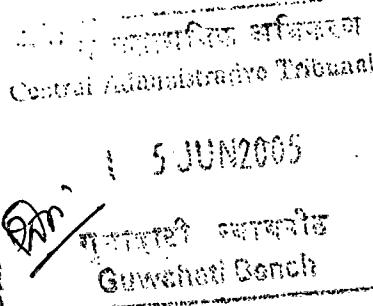
3. As already noted late Amitava Chanda, who was an employee under the Central Government died on 26.07.2001. The applicant filed representation for compassionate appointment in March, 2002. A decision alleged to have been taken for considering the claim of the applicant on 24.02.2005 but till date no final decision is taken. In that view of the matter this application can be disposed of at the admission stage itself with a direction. In the circumstances, we direct the 3rd respondent to take final decision on Annexure - 1 representation considering the affidavit of the other legal heirs (Annexure - 2) as early as possible at any rate within a period of three months from the date of receipt of this order.

The applicant will produce a copy of this order before the 3rd respondent within ten days for compliance.

The O.A. is disposed of at the admission stage as above:


 (K.V. PRAHLADAN)
 ADMINISTRATIVE MEMBER


 (G. SIVARAJAN)
 VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 146 /2005

Smti Manju Chanda.

-Vs-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

26.07.2001- Husband of the applicant died in harness while in service under the Respondents in the cadre of Fitter Auto (SS).

March' 2002- Applicant submitted representation praying for appointment on compassionate ground in any Group 'D' post. (Annexure-1)

24.02.2005- Higher Authority has issued a letter with a direction to consider the case of the applicant for appointment on compassionate ground which the applicant learned from a reliable source.

Hence this Original Application before this Hon'ble Tribunal.

P R A Y E R S

Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

1. That the Hon'ble Tribunal be pleased to direct the respondents to appoint the applicant on compassionate ground in any suitable Group 'D' post with immediate effect.

Manju Chanda.

2. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for.

During pendency of this application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to direct that pendency of this application shall not be a bar to the respondents to consider the case of the applicant for appointment on compassionate ground.

Manju Chanda.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

Title of the case : O. A. No. 146 /2005

Smti. Manju Chanda. : Applicant

- Versus -

Union of India & Others. : Respondents.

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03.	1	Copy of the representation dated March' 2002.	—9—
04.	2	Copy of no objections in the form of affidavit.	10-17

Filed by

Date:

Advocate

Manju Chanda.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

27

Filed by the applicant
through: Subroto Maji
15.06.05

O. A. No. _____/2005

BETWEEN

Smti. Manju Chanda,
W/o- Late Amitava Chanda.
Vill- Amsing, Jorabat.
P.O- Satgaon,
Guwahati- 27.
Dist- Kamrup, Assam.

...Applicant.

-AND-

1. The Union of India,
Through the Secretary to the
Government of India,
Ministry of Defence,
New Delhi.
2. The Commandant,
C/O- 99 APO
Narengi, Satgaon.
Guwahati.
3. The Chief Ordnance Officer,
41 Vehicle Company,
C/o- 99 APO.

... Respondents.

DETAILS OF THE APPLICATION

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

This application is made not against any particular order but praying for a direction upon the respondents for appointment of the applicant on compassionate ground with immediate effect in any group 'D' post on the

Manju Chanda.

ground that husband of the applicant died in harness on 26.07.2001 while in service.

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 this application is filed within the period of limitation prescribed under Section-21 of the Administrative Tribunals Act, 1985.

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 husband of the applicant Late Amitava Chanda was working as T/No. 83 Fitter Auto (SS) in 41 Vehicle Company, C/O- 99 APO under the Govt. of India, Ministry of Defence, New Delhi.
- 4.3 That the husband of the applicant while working as T/No. 83 Fitter Auto (SS) in 41 Vehicle Company, C/O- 99 APO under the Govt. of India, Ministry of Defence, New Delhi died due to Blood Cancer while in service on 26.07.2001. The husband of the applicant has rendered service under the Respondents for more than 20 years and about 10 years of service was left in his credit at the time of his death and he was permanent confirmed employee under the Respondents.

Manju Chanda.

4.4 That it is stated that late Amitava Chanda at the time of his death left his wife with two daughters and two sons, and name of the five dependents are as below: -

- 1) Smti Manju Chanda - wife- date of birth- 01.01.1959.
- 2) Smti Anjana Chanda - daughter- date of birth- 17.02.1979.
- 3) Smti Ajanta Chanda- daughter- date of birth- 17.03.1981.
- 4) Shri Ajitava Chanda- son- date of birth- 17.04.1983.
- 5) Shri Atanu Chanda- son- date of birth- 21.11.1084.

It is stated that there is no bread earner in the family after the tragic death of late Amitava Chanda and they are entirely depending upon the meager family pension of the deceased government servant late Amitava Chanda.

4.5 That the applicant immediately after death of her husband approached the Authority through representation dated 'nil' March, 2002 for an appointment on compassionate ground in any Group 'D' post. It is stated that late Amitava Chanda has not left any movable or immovable property except meager amount of pension, therefore, it is not possible to maintain the family members with such a meager amount of money for the above mentioned dependents and for their education and marriage of two daughters.

A copy of the representation dated 'nil' March' 2002 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-1.

4.6 That the applicant even after praying for appointment on compassionate ground both verbally and through representation dated 'nil' March' 2002 she is not getting any type of appointment under the respondents. It is stated that the applicant has been approaching the respondents for last 3 years and 10 months for her appointment in any group 'D' post. It is also

Manju Chanda

disappointing to know that the Commanding Officer of the competent authority has cancelled her 'Ration card' facility which she was getting earlier. However, it is informed to the applicant by the respondents that she would be given the facility of 'Ration card' in the event of her appointment on compassionate ground. Now the position of the applicant and her dependents are have become much more miserable. As such the applicant is neither getting appointment on compassionate ground in any Group 'D' post nor she is getting 'Ration card' facility which she has a valid right to get.

It is further stated by the applicant in her representation that sudden demise of the husband of the applicant has put the family in an embarrassing situation as he was the sole physical, mental and economical back bone of the family. Be it stated that after the death of husband of the applicant the whole family is facing financial crisis, as such the applicant has been compelled to stop further study of her elder son and daughters due to financial crisis except that of the youngest son Shri Atanu Chanda. So in this regard it may also be said that the children are being deprived of their right of education due to financial crisis. In such a compelling situation the applicant approached the authorities for her appointment in any Group 'D' post time and again but the authority did not take any initiative to appoint her and to save the entire family from being ruined, therefore, inaction of the respondents are in violation of scheme of compassionate appointment to a family member of a deceased employee.

- 4.7 That it is stated that the applicant in her earlier representation dated 'nil' March' 2002 explained in detail regarding the dire need of compassionate appointment to any Group 'D' post as because she is Class VIIth pass.
- 4.8 That your applicant while eagerly waiting for her appointment on compassionate ground she could learn from reliable source that an order has been issued bearing letter No. 321914/B-42/103/05-8C dated

Manju Chanda.

5/4

24.02.2005 by the higher authority to consider her case for compassionate appointment but unfortunately till date no action has been initiated by the respondents to appoint the applicant on compassionate ground. Therefore, in such a compelling circumstance the applicant approaching this Hon'ble Tribunal for an appropriate direction upon the respondents to appoint her on compassionate ground in any suitable Group 'D' post with immediate effect.

4.9. That it is stated that the applicant also submitted relevant documents including the no objection certificate in the form of affidavit and declaration of the family members and necessary income certificate in support of her claim for compassionate appointment to the Authority but till date the Respondent Authority did not process the case of the applicant for compassionate appointment and delaying the matter of appointment on compassionate ground causing irreparable hardship to the dependent family members of the deceased Govt. servant.

Copies of no objection certificate in the form of affidavit are enclosed herewith for perusal of Hon'ble Tribunal as Annexure-2.

4.10 That it is a fit case for the Hon'ble Tribunal to interfere with and protect the rights and interests of the applicant by passing an appropriate order directing the respondents to appoint the applicant on compassionate ground in any suitable Group 'D' post with immediate effect.

4.11 That this application is made bonafide and for the cause of justice.

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

5.1 For that, husband of the applicant died in harness while in service way back on 28.01.2001 leaving altogether five dependent family members as

Manju Chanda.

such the applicant is entitled to be considered for compassionate appointment to support the dependent family members.

- 5.2 For that, the depended family members of the deceased Govt. servant has no other source of income except a meager amount of monthly family pension. As such her case for appointment on compassionate ground is liable to be considered for immediate effect.
- 5.3 For that, necessary application and all relevant document has already been submitted before the competent Authority for consideration of her appointment on compassionate ground long back but to no result.
- 5.4 For that, the case of compassionate appointment ought to have been considered on priority basis considering the urgency of the matter but unfortunately no such consideration has been made in the instant case of the applicant.

6. Details of remedies exhausted.

That the applicant states that she has exhausted all the remedies available to her 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. Relief(s) sought for:

Manju Chanda.

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 3.1 That the Hon'ble Tribunal be pleased to direct the respondents to appoint the applicant in any suitable Group 'D' post on compassionate ground with immediate effect.
- 3.2 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following interim relief: -

- 9.1 That the Hon'ble Tribunal be pleased to direct that pendency of this application shall not be a bar to the respondents to consider the case of the applicant for appointment on compassionate ground.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I.P.O. No.	: 20 G 33815.
ii) Date of Issue	: 13.6.05.
iii) Issued from	: GPO, Guwahati.
iv) Payable at	: GPO, Guwahati.

12. List of enclosures.

As given in the index.

Manju Chanda.

VERIFICATION

I, Smti Manju Chanda, W/o Late Amitava Chanda, aged about 46 years, resident of Vill- Amsing, Satgaon, Guwahati- 27, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 15th day of June, 2005.

Manju Chanda.

To

Chief Urd Officer
41 Vehicle Company
C/O 99 APU

EMPLOYMENT IN RELAXATION TO NORMAL RULES

Sir,

With due respect and humble submission, I beg to submit that my husband T/No 83 Amitava Chanda had expired while in service on 28 Jul 2001(AN). The individual had left the following family members whose details are furnished below:-

		<u>Dt of birth</u>
(a)	Smt Manju Chanda (Wife)	01 Jan 1959
(b)	Shri Ajitava Chanda (Son)	17 Apr 1983
(c)	Shri Atanu Chanda (Son)	21 Nov 1984
(d)	Nice Anjana Chanda (Un married daughter)	17 Feb 1979
(e)	Nice Ajanta Chanda	17 Mar 1981

It is submitted that my husband did not leave any movable/immovable property except a meagre pension and some benefit. It is not possible to maintain the family members through this family pension for these grown-up children such as education and marriage to daughters.

In view of the above, I may please be considered in a class III or IV post in relaxation to my husband so that I can give a support to maintain the dependents family members. In this connection court affidavit made is enclosed herewith for your perusal and necessary action please.

Thanking you,

Yours faithfully,

Manju Chanda

Dated : Mar 2002.

Smt Manju Chanda
(Wife of T/No 83 R/A N Chanda)
Vill : Ameing Jarabat
PO : Gatywan
Dist : Kamrup (Assam)

*Certified to be true copy
Smt. Manju Chanda*



IN THE COURT OF THE MAGISTRATE ::KAMRUP::AT GUWAHATI .

A F F I D A V I T

I ,Shri Anjana Chanda, son of Sri Amitabh Chanda aged about -27 years, by profession unemployed, resident of Amsing Jorabat, P.O. Satgaon in the district of Kamrup, Assam, do hereby solemnly affirmed and declare as follows :-

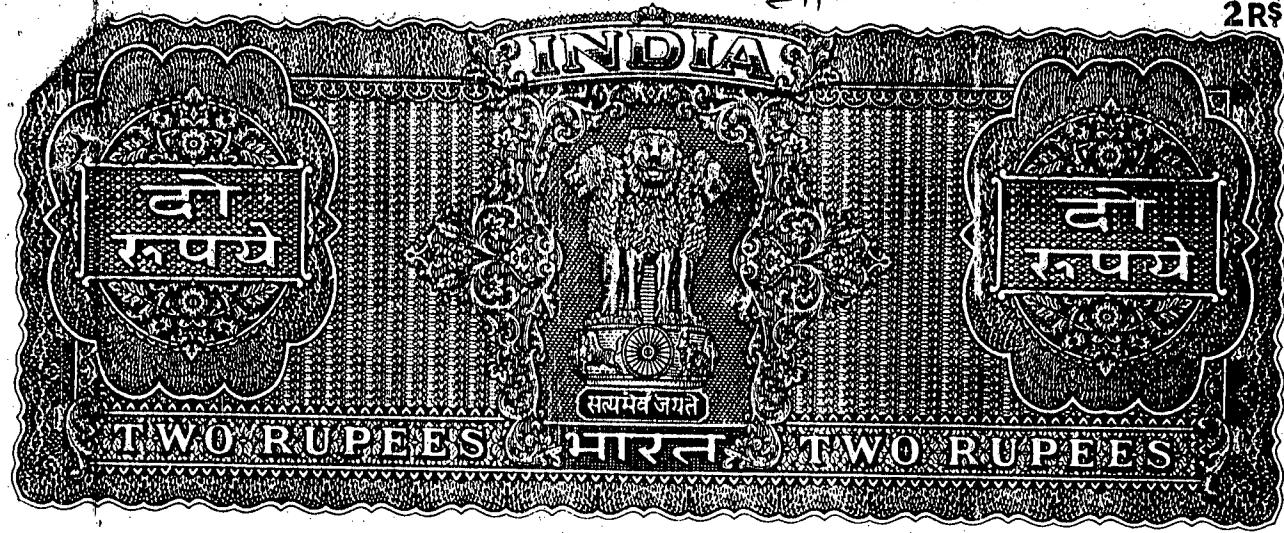
1. That I am unemployed.

That I am not in a position to master my own capital for the project.

That I am a permanent resident of aforesaid locality since by birth.

contd ... 2/p

*Certified to be true by
Advocate*



- 2 -

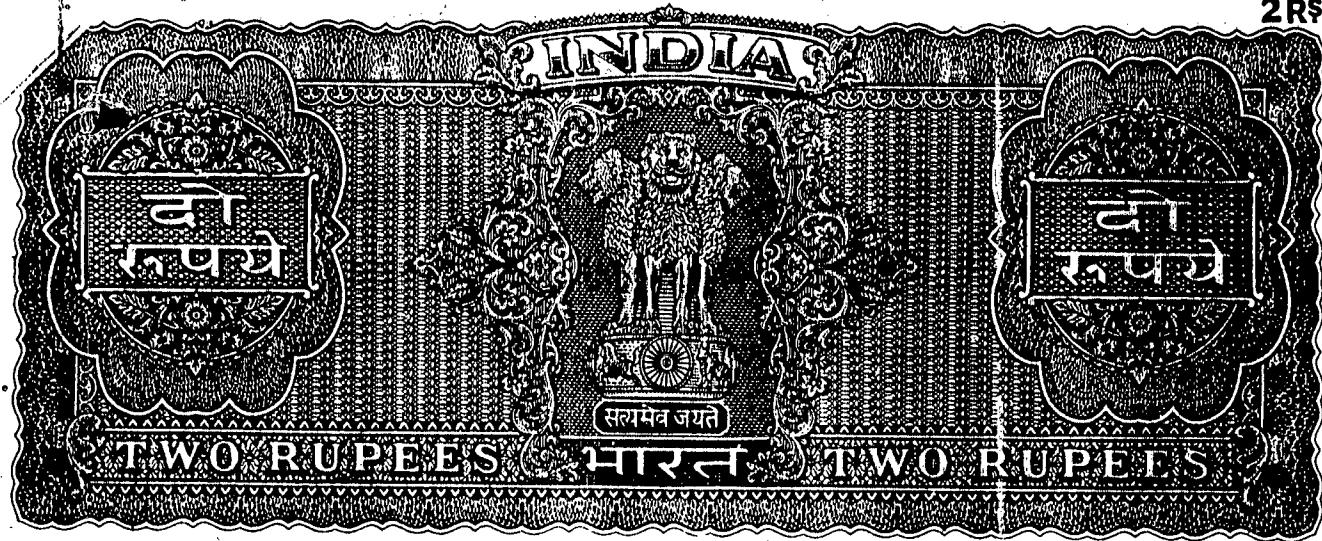
4. That the family income of my family which includes spouse and parents is Rs. 20,000/- per annum from all sources such as salary, wages, agricultural income, business, rent, interest, etc.
5. That I have not defaulted in repayment of loan from any nationalised Bank/Financial institution/Co. op. Bank.

That I shall abide by the rules framed under the scheme of PMRY for educated unemployed youth.

That I shall submit the progress report required by the Bank/Govt.

contd 3/p

Gu
FEDERAL RESERVE BANK OF INDIA
MADRAS
1970



- 3 -

Verification :

Verified that the above commitments are true and to the best of my knowledge and belief and nothing has been concealed herein.

Identified by me,

Ab.
Advocate.

Anjana Chanda.

Deponent

Solemnly affirmed and declared before me by the deponent who is identified by Sri *Anjan Chanda*, Advocate on this 10th day of July, 2000 at Guwahati.

MAGISTRATE : GUWAHATI.





IN THE COURT OF THE MAGISTRATE ::::::::::: AT GUWAHATI .

A F F I D A V I T

I, Smti Manju Chanda, aged 42 years, wife of Late Amitava Chanda, by caste Hindu, by profession Housewife resident of Amsing Jorabat, P.O. Satgaon, P.S. Noonmati in the district of Kamrup, Assam, do hereby solemnly affirm and declare on oath as follows :-

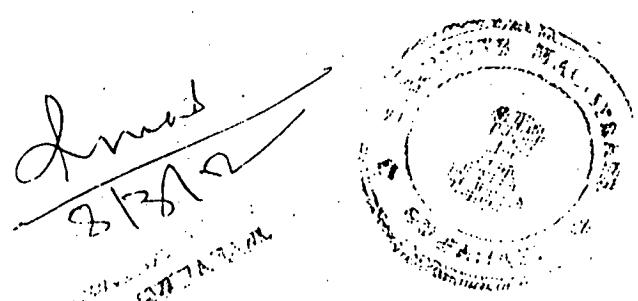
1. That I am a citizen of India by birth and permanent resident of above noted place.
2. That my husband late Amitava Chanda was an employee of 41 Vehicle Company C/o. 99 A.P.O. defence in the cadre of F/A who has already expired on 28/7/01.

This is true to my knowledge.

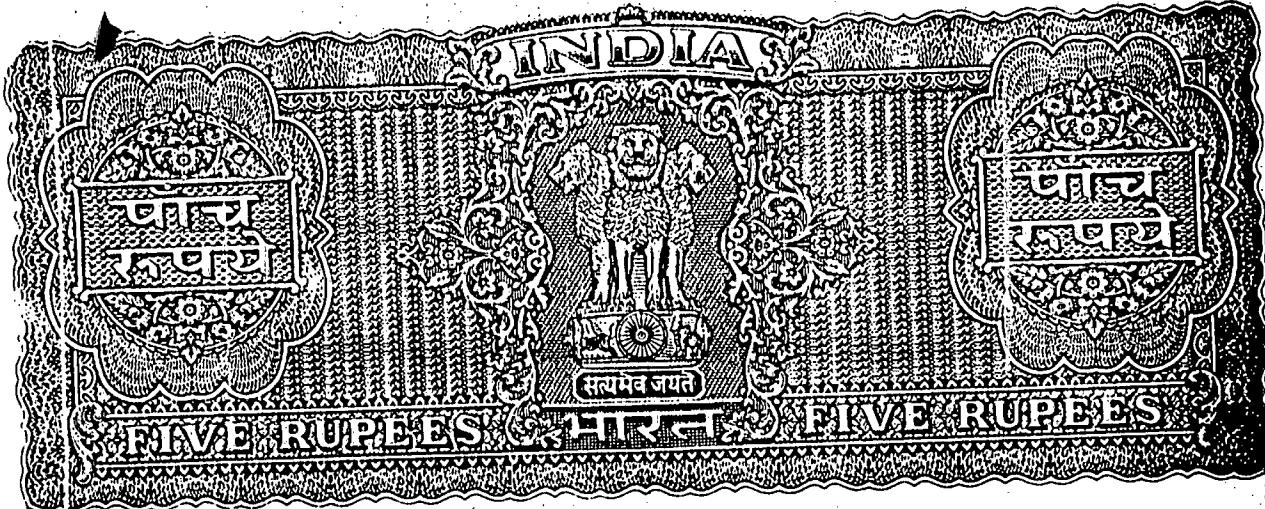
3. That my husband Late Amitava Chanda has not left any landed property or any other movable or immovable properties at the time of his death.

This is true to my knowledge.

Contd- 2/p.



Swami
8/2/02
Certified to be true copy
for Advocate



-2-

4. That at the time of his death he has left the following legal heirs behind him.

<u>Sl.No.</u>	<u>Name</u>	<u>Relation</u>	<u>Date of birth</u>
1.	Smti Manju Chanda	Wife	1-1-59
2.	Sri Ajitava Chanda	Son	17-4-1983
3.	Sri Atanu Chanda	Son	21-11-1984
4.	Miss Anjana Chanda	Daughter (Unmarried)	17-2-1979
5.	Miss Ajanta Chanda	Daughter (Unmarried)	17.3.1981

Manju Chanda

This is true to my knowledge.

5. That my date of birth is 1-1-59 according to my H.S.L.C. and it will not be changed after my appointment as I have applied for appointment in any post in 41 Vehicle Company or any where in India as legal successor of my late husband Amitava Chanda.

This is true to my knowledge.

Contd--3/p.

Amritava Chanda
Subordinate Magistrate
KOLKATA

6. That if I am appointed, I shall be liable to maintain my whole family and in case of my negligence for the same my service will be terminated by the competent authority.

This is true to my knowledge.

7. That, the above mentioned children as well as legal heirs of Late Amitava Chanda have been living with me and all of them are still unmarried and unemployed.

This is true to my knowledge.

8. That all the statements made in the above paras are true and correct to the best of my knowledge and belief. And I sign this affidavit on this the 8th day of March, 2002 at Guwahati.

Manju Chanda

Identified by me,

Deponent.

Advocate.

8/3/02

Solemnly affirmed and declared before me by the deponent who is identified by Shri A.K.Ali Advocate on this 8th day of March, 2002 at Guwahati.



Amas
8/3/02
MAGISTRATE: GUWAHATI.
EXECUTIVE MAGISTRATE
GUWAHATI



IN THE COURT OF MAGISTRATE ::::: KAMRUP ::::: AT GUWAHATI.

AFFIDAVIT

We, 1. Sri Ajitava Chanda, aged about 19 years,
2. Sri Atnu Chanda, aged about 18 years, 3. Miss Anjana
Chanda, aged about 23 years, 4. Miss Ajanta Chanda, aged
about 21 years, all are son and daughter of Late Amitava
Chanda by Caste Hindu, resident of Village- Amsing Jorabat
under P.S. Noonmati in the district of Kamrup, Assam do
hereby solemnly affirm and declare on oath as follows :-

1. That, our father late Amitava Chanda has died on
28-7-01 leaving behind him us alongwith our mother and we
are living altogether in joint family.

This is true to ~~our~~ my knowledge.

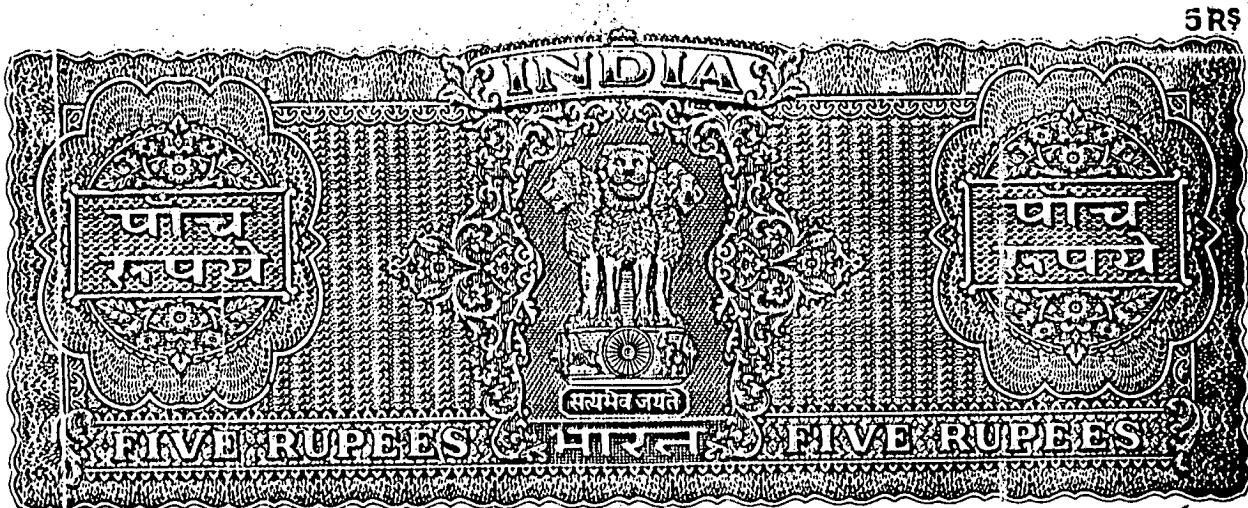
2. That, if our mother Smti Manju Chanda is employed
as legal successor of our Late father for maintenance of
our family, we have no objection in her appointment in any
post of Defence Department.

This is true to ~~our~~ our knowledge.

*(Certified to be true by
Advocate)*

3/2/02
Magistrate
GUTAMATI

Contd.. 2/p.



(2)

3. That, this affidavit will be used as a piece of evidence to prove that we have no objection if our aforesaid mother is appointed in any post as legal heir of our late father Amitava Chanda in Defence Department.

This is true to my knowledge and a belief. And we sign this affidavit on this the 8th day of March, 2002 at Guwahati.

Identified by me,

Advocate.

2/3/02

1. *Abdul Karim Ali*
2. *Parbati Chanda*
3. *Miss Amitava Chanda*
4. *Amitava Chanda*

(DEPONENTS)

Solemnly affirmed and declared before me by the deponents who are identified by Abdul Karim Ali, Advocate on this the 8th day of March, 2002 at Guwahati.



MAGISTRATE: GUWAHATI

EXCECUTIVE COURT
2002

Amrit