

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH;

1. Original Application No. 34/08

2. Misc Petition No. /

3. Contempt Petition No. /

4. Review Application No. /

5. Execution Petition 8/08

Applicant(S) Smti. Kusum Devi VS- Union Of India & Ors

Advocate for the Applicant(S) Adil Ahmed, Nuruddin Ahmed

Advocate for the Respondent(S) CESC

Notes of the Registry	Date	Orders of the Tribunal
<p>This Execution petition has been filed by the Applicant u/s 24 of the CAT Procedure Rules, 1987 praying for issuance of a direction upon the Respondents to comply with and/or implement the direction contained in the order dated 7.12.08 passed in O.A 34/08, 15.12.2008.</p> <p>Laid before the Hon'ble Court for further orders.</p> <p><u>Leave to file</u> <u>Section 14(2)(b)</u></p> <p>Pl. issue Notice to the Respondents.</p> <p>Dt: 10.12.08</p>	10.11.2008	<p>Mr. N. Ahmed, learned Counsel appearing for the Applicant, undertakes to file the English translation of the documents (written in vernacular) by 11.11.2008.</p> <p>Issue notice to the Respondents requiring them to file their reply by 15.12.2008.</p> <p><u>S.N. Shukla</u> (S.N. Shukla) Member (A)</p> <p><u>M.R. Mohanty</u> (M.R. Mohanty) Vice-Chairman</p>
	15.12.2008	<p>Mr. Adil Ahmed, learned counsel appearing for the Applicant is not present on account of his some personal difficulties. Ms. U. Das, learned Addl. Standing counsel appearing for the Respondents seeks four weeks time for filing reply affidavit.</p> <p>Call this matter on 20.01.2009.</p> <p><u>S.N. Shukla</u> (S.N. Shukla) Member (A)</p>

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EP-8/08 (OA 34/06)

Copies of notices
along with order
dt. 10/11/08 send
to D/Sec. for
issuing to resp.
by regd. A/D
post. D/No-4534 & 4535
(Cpl. of D/ 24/11/08)
20/11/08

① Service report
awaited.

Notice duly served on
R-2

12/1/09

5.2.09

Reply statements
filed by the Respondents.
Copy served.

DR.

Dr. 10.2.09

/bb/

Pl. send copies of this
order to the Respondents
in the add. given in the
OA.

Free copies of the order
be handed over to Mr.N.Ahmed
Ld. counsel at hearing for the
Applicant and Ms.U.Das, Ld.
Add. Standing counsel.

Received
M.R. Mohanty
Addl. Secy
18/2/09

10.2.09

Copies of order dt.
10.2.09 is prepared &
Sent to O/section for issue
to the Respondents & the copy
handed over to the Ld.
Counsel both parties

on
17/2/09

M.R.O. - 585 to 589
dt 19-02-2009

20.1.09 Bench is not available
List on 10.2.09.
✓
CD.

10.02.2009

In this case, a reply has already been
filed by the Respondents disclosing therein that
expeditious steps are being taken by the
Respondents for providing an employment to
the son of the Applicant on compassionate
ground.

Call this matter on 27.03.2009; by which
time Ms.U.Das, learned Addl. Standing counsel,
shall obtain upto-date instruction from the
Respondents.

Send copies of this order to the
Respondents in the address given in the O.A.
and free copies of this order be handed over to
Mr.N.Ahmed, learned counsel appearing for
the Applicant and Ms.U.Das, learned Addl.
Standing counsel.

✓
(M.R.Mohanty)
Vice-Chairman

Reply filed by The
Respondents.

26.3.09.

27.03.2009

Call this matter on 03.04.2009.

Y
(M.R. Mohanty)
Vice-Chairman

nkm

03.04.2009

Heard Mr A. Ahmed, learned
counsel appearing for the Applicant and
Miss U. Das, learned Addl. Standing
counsel appearing for the Respondents
and perused the materials placed on
record.

For the Y reasons recorded
separately this E.P. stands disposed of
with further direction to the
Respondents.

Y
(M.R. Mohanty)
Vice-Chairman

Received by
Mr. Ahmed
Advocate
21/4/09

pg

7.5.09
Copy of the order
sent to the office
for issue the same
to the parties.

7/5/09

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
EP No.8/2008**

[Arising out of OA No.34/2006 disposed of on 07.12.2006]

3rd day of April 2009

Smt. Kusum Devi

Applicant

By Advocate Adil Ahmed

Versus

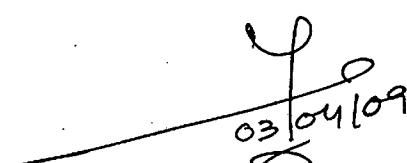
The UOI & others

Respondents

By Advocate Ms. Usha Das, Addl.C.G.S.C.

CORAM: The Hon'ble Mr. Manoranjan Mohanty, 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 their Lordships wish to see the fair copy of the Judgment? Yes/No


Vice-Chairman

03/04/09

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
E.P.No. 8 of 2008**
[Arising out of O.A.No.34 of 2006 disposed of on 07.12.2006]

3rd day of April 2009

Present: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman

Smt. Kusum Devi
Wife of late Arjun Ram
T.No. 53
Ex. Consy Safaiwala
Station Head Quarter
Narengi Camp
Narengi, P.O. Satgaon
Guwahati- 781 027

Applicant

By Advocate Mr. Adil Ahmed

Versus

1. The Union of India,
represented by the
Secretary to the Government
of India, Ministry of
Defence, South Block 101
New Delhi- PIN CODE -110 001
2. The Administrative
Commandant,
Station Cell,
Head Quarter, 51 Sub Area
Narengi, Guwahati
PIN CODE - 781 027

Respondents

By Advocate Ms.Usha Das, Addl.C.G.S.C.

E.P.No. 08 of 2008
[Arising out of O.A.No.34 of 2006 disposed of on 07.12.2006]
ORAL ORDER DATED 03.04.2009

Manoranjan Mohanty, Vice-Chairman:-

Arjun Ram of Village/P.O. Rodwil in the District of Munger of the State of Bihar was serving as a Conservancy Safaiwalla under the Respondent No.2 at Narengi [Guwahati] Assam; when he expired prematurely on 08.01.1999. Seeking an employment on compassionate ground [in order to overcome the sudden distress condition of her/her family] the widow of said Late Arjun Ram

J

represented to the authorities on 05.03.1999, on 8.11.2000 and, again, on 15.07.2005. Without getting any favourable orders from the authorities/Respondents, the widow of said Late Arjun Ram approached this Tribunal as Applicant of Original Application No.34 of 2006. In the said case the Respondents filed a Written Statement; wherein they disclosed [at para-6 of the Written Statement] as under:-

“...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, 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.”

2. The said case [O.A.No.34/2006] was disposed of on 07.12.2006 with the following orders/directions:-

“In the interest of justice this Tribunal direct the applicant to file a comprehensive representation along with 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 of representation.”

3. Applicant [the widow of Late Arjun Ram] filed a representation dated 26.02.2007 and, alleging non-compliance of the order dated 07.12.2006 of this Tribunal rendered in O.A.No.34/2006, she has filed the present Execution Petition No.08/2008.

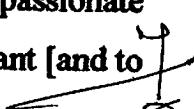
4. By way of filing a reply on behalf of the Respondents, the Col/SSO[A] of Stn.Cell HQ 51 Sub-Area has disclosed that [a] the representation dated 26.02.2007 of the Applicant was received without any documents; [b] that, immediately on receipt of the representation dated 26.02.2007, the Applicant was directed with utmost urgency to submit all relevant documents vide Station Cell, HQ 51 Sub-Area C/o 99 APO Letter No.7202/EST/CAT/OA-34/06 dated

01.03.2007; [c] that the Applicant was also called to the Office of the Respondents for ascertaining the problem, if any, which she may be facing for getting ready with the relevant documents and that, purely on humanitarian grounds, realizing that the Applicant would not be able to obtain the caste certificate from the competent authority, she was advised and actively assisted in getting ready with the documents for seeking an employment, on compassionate grounds, in respect of her son [Shri Vinod Kumar Ram S/o Late Arjun Ram]; [d] that, accordingly, the Applicant submitted requisite documents seeking an employment [on compassionate grounds] for her son [Vinod Kumar Ram] vide her application dated 16.04.2007 and [e] that, consequently, the case of the said son of the Applicant has been taken up [for examination of the prayer to provide him an employment, in any Group-D post, on compassionate ground] vide Station Cell-HQ 51 Sub-Area Letter No.7202/EST/EMP/NOK/VKR dated 20.08.2007.

5. It is the positive case of the Respondents that the case of above said Shri Vinod Kumar Ram [S/o Late Arjun Ram & the Applicant] is being actively followed up by Stn. Cell HQ 51 Sub-Area purely on humanitarian grounds. It is apparent from Annexure-6 dated 03.01.2008 and Annexure-7 dated 03.05.2008 that the Stn. Cell HQ 51 Sub Area sent reminders to HQ 101 Area GS [SD] C/99 APO pertaining to the case of said Vinod Kumar Ram.

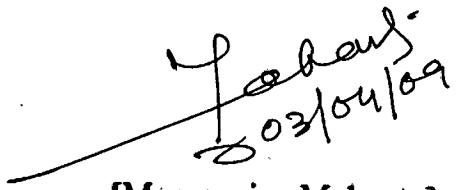
6. In the above premises, Ms. Usha Das, learned Addl./Counsel appearing for the Respondents begs to drop this Execution Proceeding; for the case of the son of the Applicant is now under active consideration [of the Respondents] for providing him an employment on compassionate grounds.

7. Mr. Adil Ahmed, learned Counsel appearing for the Applicant [who has no objection to the above submission of the learned Counsel appearing for the Respondents] prays for a direction to the Respondents to give a full and expeditious consideration in the matter of providing an employment, on compassionate ground, to the son of the Applicant.

8. Accordingly, this matter is disposed of with direction to the Respondents to take up the case of the Son [Vinod Kumar Ram] of the Applicant [and Late Arjun Ram] expeditiously [for providing him an employment on compassionate ground] and intimate the result of the said consideration to the Applicant [and to 

her son Vinod Kumar Ram] within a period of 120 days from the date of receipt of a copy of this order.

9. Send copies of this order [by post] to the Applicant and the Respondents in the address given in the OA/EP and to the Advocates appearing for both parties.
10. Also send a copy of this order to the Head of HQ 101 Area GS[SD] C/99 APO for taking expeditious steps in giving consideration to the case of Vinod Kumar Ram [S/o the Applicant] for providing him an employment on compassionate grounds.


[Manoranjan Mohanty]
Vice-Chairman

cm

File in Court on 27.3.09 18

Court Officer.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::::: GUWAHATI

IN THE MATTER OF:

EXECUTION PETITION NO.8 of 2008

IN O.A. No.34 of 2006

Smti. Kusum devi

-Applicant

- Versus -

The Union of India & Ors.

-Respondents

- AND -

IN THE MATTER OF:

Additional Statement filed by the Applicant in Execution Petition No.8 of 2008 in Original application No.34 of 2006 as follows:-

1. That your Applicant have filed an Execution Petition No.8 of 2008 under Rule 24 of the Central Administrative Tribunal (Procedure) Rules 1987 praying for issuance of a direction upon the Respondents to comply with and/or implement the direction contained in the order dated 07.12.2006 passed in Original Application No.34 of 2006. The Respondents have filed a reply to the Execution Petition No.8 of 2008. In the said reply in paragraph No.5(c), (d), (e) and 6, the Respondents have categorically stated that the representation of the Applicant's son Shri Vinod Kumar Ram for the Compassionate Ground appointment is under active consideration.

Therefore, the Applicant humbly submits before this Hon'ble Tribunal that she has no objection if her son Shri Vinod Kumar Ram name is considered by the Respondents for his appointment under the Compassionate Ground Scheme.

Received
Usha Devi
Add CSE
27/3/09

FILED
BY

Smti. Kusum Devi
Applicant
-through Vinod Kumar Ram
Son

2028 6451

File in Court on 27/3/09

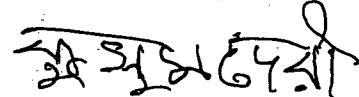
Court Officer.

VERIFICATION

I, Smt. Kusum Devi, Wife of late Arjun Ram T.No.53
Ex.Consy Safaiwala, Station Head Quarter, Narengi Camp,
Narengi, P.O. Satgaon, Guwahati-781027. do hereby
solemnly verify and state as follows:-

1. That I am the Applicant of O.A. No.34 of 2006 and also the Petitioner of the Execution Petition No.8 of 2008.
2. That the statements made in paragraph Nos. 1 are true to my knowledge which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal.

And I sign this Verification on this the 27th day of March 2009 at Guwahati.



D E C L A R A N T

NOTICE

5
Date - 27-03-09

From,
N. Ahmed
Advocate

File in Court on 27/3/09
Court Officer.

To, Miss U. Das
Addl. C.G.S.C., C.A.T.
Guwahati Bench, Guwahati.

Subject - Supply of copy of Additional
Statement in E.P. No 8/08

Attn: -

Please find herewith a copy
of Additional Statement filed by
Smti Kusum Devi through me
before this Hon'ble Tribunal and
kindly acknowledge the receipt of
the same.

Thanking You

N. Ahmed
Advocate

Received by
Usha Das
Addl C.G.S.C
27/3/09

In the Central Administrative Tribunal at
Guwahati Bench, Guwahati

File in Court on 27/3/09


Court Officer.

E.P. No. 8/08

Gu OA No. 34/08

Smt. Kusum Devi ... Applicant
- vs -

U.O. 1 & ors ... Respondents

Filed by
Usha Das
Addl Cse
27/3/09

MEMORANDUM

I hereby submit the latest instructions
received from the Respondents on 26/03/09
in the above-mentioned case.

Usha Das
Addl Cse
27/3/09

Tele : 6242

Stn Cell
HQ 51 Sub Area
PIN - 908 651
C/O 99 APO

7202/Est/CAT/KD/OA 34/06-09/06

26 Mar 2009

Smt Usha Das (Advocate)
Addl CGSC
Central Administrative Tribunal
Guwahati Bench
Birubari
Gopinath Nagar
Guwahati - 16

File in Court on 20/3/09

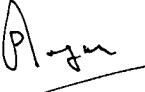

Court Officer.

EXECUTION PETITION NO 8/2008 DT 07 DEC 08 PASSED OA
NO 34/2006 FILED BY SMT KUSUM DEVI BEFORE
HON'BLE CAT, GUWAHATI BENCH

Madam,

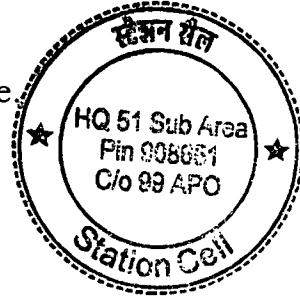
1. Refer to your letter dated 20 February 2009.
2. A copy of our letter of even No dated 25 Mar 09 alongwith its enclosures is forwarded herewith for your further necessary action please.

Yours sincerely,



(Prem Sagar)
Colonel
Administrative Commandant
For Station Commander

Encl : As above



vkk/*

25 Mar 2009

STN CELL, HQ 51 SUB AREA

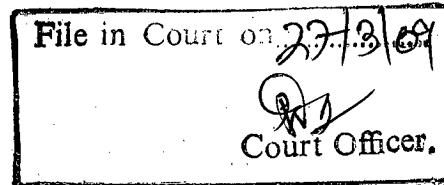
File in Court on 22/3/09

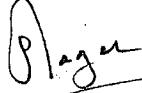
[Signature]
Court Officer.

COMPASSIONATE APPOINTMENT : SHRI VINOD KUMAR RAM S/O
LATE SHRI ARJUN RAM, CONSY SFWL OF STN CELL
HQ 51 SUB AREA

1. Reference your letter No 92842/SD-7 (Adm Civs) dated 12 May 2008 (copy encl).
2. The reasons/circumstances for late submission of the subject application, as asked vide your letter under ref have been enumerated in the succeeding paras.
3. Initially Smt Kusum Devi, wife of late Arjun Ram, Ticket No 13, ex conservancy applied for the job of conservancy safaiwala for herself. However, her application was not processed as she could not produce the requisite schedule caste certificate from the appropriate authority.
4. Subsequently she filed a petition before the Hon'ble Central Administrative Tribunal (CAT), Guwahati Bench vide OA No 347/2006. The Hon'ble CAT, Guwahati Bench through its order dt 07 Dec 2006, copy placed at Encl I, directed the Petitioner to file a comprehensive representation before the respondents along with all supporting documents. Pursuant to order of the Hon'ble CAT, Smt Kusum Devi again submitted an application for her appointment as conservancy safaiwala through letter dated 26 Feb 07, copy placed at Encl II. However once again the application was submitted without the requisite documents.
5. Realising that she may not be able to obtain the requisite caste certificate, Smt Kusum Devi then took up a case for appointment of her son Shri Vinod Kumar Ram in a Gp D Post on compassionate grounds in Jul 07. Accordingly the case was taken up through proper channels as per existing instructions on the subject in Jul 07.
6. A personal application received from Smt Kusum Devi, giving reasons for delayed submission of application for employment of her son Shri Vinod Kumar is enclosed.

7. In view of the above as also keeping in mind that the case is sub-judice with CAT, Guwahati, you are requested to take up a case for condonation of the delay on humanitarian grounds and processing the application for compassionate appointment as per existing instructions on the subject.





(Prem Sagar)

Colonel

Administrative Commandant
For Officiating Station Commander



Encl : As per Para 4 and 6 above.

GS Branch

Copy to :-

Addl Director General of Staff Duties
SD-7 (Adm Civs)
General Staff Branch
Integrated HQ of MoD (Army)
PIN - 900 256
c/o 56 APO

An advance copy alongwith requisite enclosures is forwarded herewith for further necessary action please. Telephonic conversation of 20 and 23 March 2009 with Section Officer refers.

HQ Eastern Comd (GS/SD)
PIN - 908 542\c/o 99 APO

An adv copy along with requisite encls is fwd herewith. Telecon of 22 Mar 09 refers.

HQ 101 Area (GS)
PIN - 908 101
c/o 99 APO

For info pl.

vk/*

File in Court on २२/३/०९

Court Officer

प्रशासनांचित्रा

कृष्णन सोल

हैदर बगाई ५१ सरांखी

मार्गदर्शक: ७७ शहरी नं ३०

दिनांक: २४-३-२००९

विषय - भावनामा की अवारपर
बोकरी सम्बंधित

सेवा में

- वीमान से सविनय निवेदन था है कि मैं वीमान कुश्मन देवी पर्णी रवानी आजुन रात ट्रिक्स नं ५३ पट्टवार कुआँ में रहती हैं मैं अपने पति के मृत्यु के बाद मैं अपने बीकरी लिए कृष्णन सोल में पवाना दिया वा परन्तु मैं अपने बीकरी की सम्बंधित आवश्यक प्राप्ति-पत्र जही जमा कर पाई तसवीर बाद मैं अपने पुत्र के बीकरी के लिए आवेदन दिया
- अपने दी-रिव संदेश मिलने के बाद मैं आपके मिलनी सली इसके लिए माफी चाहती हूँ अपने पुत्र के बीकरी के बाट में प्रथमना पत्र देती है दीने का मुद्रा कारबा पहले अपने लिए बीकरी वा आवेदन देना रवं जरूरी कागजातों का रखें परन्तु दीना वा
- मैरी पति का जन्म स्थल लिंग दीने के बारहा है प्रमाण-पत्री के लिए वहाँ जाना पड़ता वा उगाई पास पैसी जही दीने के बारहा लिंग दीनी जा सकती है
- वीमान जी मैं दीरी से प्रमाण-पत्र परन्तु करने हैं व बीकरी सम्बंधित पत्र दीरी के दीरे हैं माफी चाहती हूँ
- अतः वीमान जी के प्रथमना है कि मैरी पुत्र की अतिकृति बीकरी जी के बीकरी प्रदान करने का लुपा करें।

अपनी कृपा के लिए अमारी रहु

कृष्णन देवी २४.०३.०९.

वीमान कुश्मन देवी

पर्णी रवानी आजुन राम

ट्रिक्स नं ५३

जी-पट्टवार कुआँ

Son of - Late Arjun Ram.

Arjun Kr Ram.

To,

Date: 26.02.2007

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

File in Court on 27.3.09.


Court Officer.

Sub. : Representation

Reference : Order dated 07.12.2006, passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A.No.34 of 2006, Smti Kusum Devi -Vs- Union of India and Others.

Sir,

With reference to the above, I have the honour to state that I am the wife of Late Arjun Ram, T. No.53, Ex-Cnsvy Safaiwala, who had served under you. My husband Late Arjun Ram, was expired on 8th January 1999, while he was working under you. After the death of my husband, I immediately file a Representation before your honour on 05.03.1999, requesting you to appoint me as Cnsvy Safaiwala. Again on 08.11.2000, I filed another Representation before you along with all original documents for necessary action in this matter. Lastly on 15.07.2005, I filed another Representation before your honour for consideration of my case as per the existing Rules. However, no action was taken by your honour in this matter. Being aggrieved by this, I was compelled to approach the Hon'ble Central Administrative Tribunal, Guwahati Bench, by filing an Original Application being O.A.No.34 of 2006, seeking justice in this matter. The Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati, finally heard the matter on 7-12-2006 and was pleased to direct me to file a comprehensive representation, along with relevant documents before you, within three months from the date of the Order passed by the Hon'ble Tribunal, and also directed that you shall consider and dispose of the same as

per Rules within a time frame of four months from the date of receipt of the representation.

Accordingly, now I am submitting herewith a fresh comprehensive representation along with my relevant documents as per the Order of the Hon'ble Tribunal dated 7.12.06 passed in O.A. No.34 of 2006, before your honour for kind consideration.

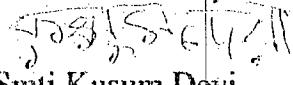
In this connection, I am to state that I am staying at a rented house along with my old aged parents and five minor children, after the death of my husband, I am suffering from acute financial hardship as there is nobody to look after me and my family. My old aged parents are also suffering from various old age ailments and the whole of my family pension amount has exhausted in their treatment. I am on the verge of starvation with my children I am suffering from frustration and mental depression. Further I am to state that not a single person in my family who is in a Government or Semi-Government job. I am running from pillar to post for appointment on compassionate ground under you.

I, therefore, most humbly request before your honour to kindly consider my case for appointment in any Group 'D' post on compassionate ground. Thanking You.

File in Court on 22.3.09

 Court Officer.

Yours faithfully


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

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

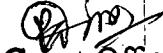
Original Application No. 34 of 2006.

Date of Order: This, the 7th 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.

File in Court on 20/12/06.


 Court Officer.

.....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 2nd respondent requesting for her appointment on coimpassionate ground on 5.3.1999, 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. To pass any other relief or reliefs to which the applicant may be entitled and as may be deemed fit and proper by the Hon'ble Tribunal.

File in Court on.....(s)

Court Officer.

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. Almed, 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 wherefrom 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).

✓

File in Court on.....

Court Officer.

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.

Sd/ VICE CHAIRMAN

Date of Application : 15.12.06

Date on which copy is ready : 18.12.06

Date on which copy is delivered : 18.12.06

Certified to be true copy

N. J. D. 06

Section Officer (J.d.l)
C. A. T. Gauhati Bench
Guwahati-5

CC-10/12

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

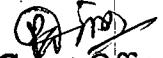
Original Application No. 34 of 2006.

Date of Order: This, the 7th 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.

File in Court on 20/12/06.


 Court Officer.

...Applicant

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Versus -

1. Union of India
 represented by the Secretary to the
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2. The Administrative Commandant,
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By Miss Usha Das, Addl.C.G.S.C.

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✓

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File in Court on
Court Officer.

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To pass any other relief or reliefs to which the applicant may be entitled and as may be deemed fit and proper by the Hon'ble Tribunal.

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File in Court on.....

Court Officer.

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

Sd/ VICE CHAIRMAN

Date of Application : 15/12/06
 Date on which copy is ready : 18/12/06
 Date on which copy is delivered : 18/12/06
 Certified to be true copy

N. J. Deka
 Section Officer (Sd/-)
 C. A. T. Guwahati Bench
 Guwahati-5.

CC-10/1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN EXECUTION PETITION UNDER RULE 24 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL (PROCEDURE) RULES 1987)

EXECUTION PETITION NO. 8 OF 2008

IN ORIGINAL APPLICATION NO. 34 OF 2006.

Smt. Kusum Devi

...Applicant

- Versus -

The Union of India & Others

...Respondents

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4	II	Photocopy of the Representation dated 26.02.2007.	9 to 16

Filed By

Nuruddin Ahmed
ADVOCATE

30/10/2008
Smt. Kusum Devi

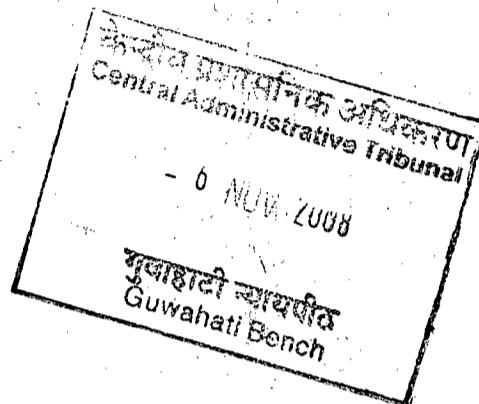
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Execution Petition No. 8 of 2008

IN ORIGINAL APPLICATION NO. 34 OF 2006.

FILED BY
62

Smt. Kusum Devi
Applicant
through Wardhaid Ahmed
Advocate



IN THE MATTER OF

O.A. No. 34 of 2006

Smt. Kusum Devi

Applicant

-VERSUS-

The Union of India & Ors.

Respondents

- AND -

IN THE MATTER OF

An application under Rule 24 of the Central Administrative Tribunal Procedure) Rules, 1987 praying for issuance of a direction upon the Respondents to comply with and/or implement the direction contained in the order dated 07.12.2006 passed in O.A. No.34 of 2006.

-AND-

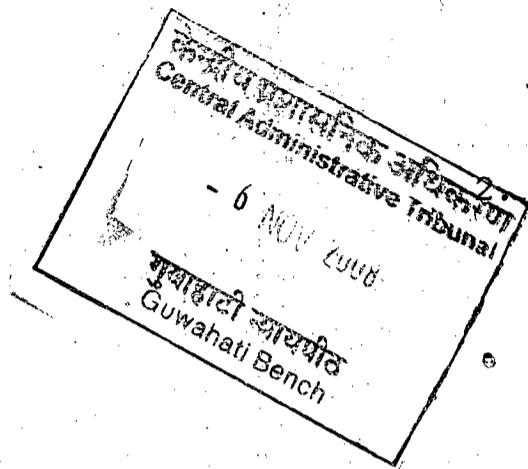
IN THE MATTER OF

Smt. Kusum Devi
Wife of late Arjun Ram
T.No. 53
Ex.Consy Safaiwala
Station Head Quarter
Narengi Camp
Narengi, P.O. Satgaon
Guwahati 781027
...Petitioner

-VERSUS-

TO SIGN

1. The Union of India represented by the Secretary to the Government of India, Ministry of Defence, South Block 101 New Delhi, PIN Code-110001.



The Administrative Commandant,
Station Cell,
Head Quarter, 51 Sub Area
Narengi, Guwahati
PIN Code 781027

...Respondents

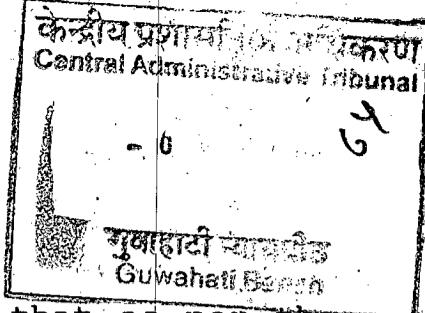
The humble Petitioner above named

MOST RESPECTFULLY SHEWETH

1. That your Petitioner had filed an Original Application No.34 of 2006 before this Hon'ble Tribunal for seeking a direction from this Hon'ble Tribunal to the Respondents for her appointment on compassionate ground in any Group-D post under the Respondents.
2. That the Hon'ble Tribunal finally heard both the parties on 07.12.2006 and was pleased to dispose the aforesaid Original Application by directing the Applicant to file a comprehensive Representation alongwith the relevant documents before the competent authority of the Respondents within 3 months from the date of order 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.

Photocopy of Judgment & Order dated 07.12.2006 passed in O.A. No.34 of 2006 is annexed herewith and marked as ANNEXURE-I.

[Handwritten signature]



3. That your Petitioner begs to state that as per the aforesaid order dated 07.12.2006 passed by the Hon'ble Tribunal in O.A. No.34 of 2006 she filed a comprehensive Representation on 26.02.2007 along with the relevant documents before the Respondent No.2 i.e. Administrative Commandant, Station Cell, Head Quarter, 51 Sub Area, Narengi, Guwahati.

Photocopy of the Representation dated 26.02.2007 is annexed herewith and marked as ANNEXURE-II.

4. That your Petitioner begs to state till date the Respondents have not disposed the aforesaid Representation dated 26.02.2007 filed by her. The Respondent No.2 deliberately have not complied the direction issued by this Hon'ble Tribunal in O.A. No.34 of 2006 dated 07.12.2006. As such finding no other alternative the Applicant is compelled to approach this Hon'ble Tribunal by filing this Execution Petition under Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987 for compliance of this Hon'ble Tribunal order.

5. That your Petitioner submits that this Hon'ble Tribunal may be pleased to direct the Respondents under Rule 24 of the Central Administrative Tribunal (Procedure) Rules of 1987 to implement the Order dated 07.12.2006 passed in O.A. No.34 of 2006.

6. That the Petitioner files this Petition bona-fide and to secure the ends of justice.

Under the facts and circumstances stated above the Your Lordships may be pleased to admit

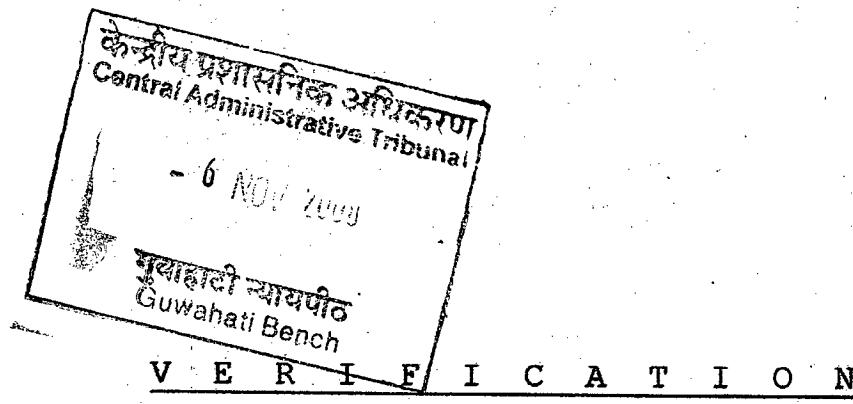
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this Petition and issue notice on the Respondents to show cause as to why necessary order or orders as prayed for should not be passed directing and/or commanding the Respondents to give effect to its order dated 07.12.2006 passed in O.A.No.34 of 2006 and if any cause or causes being shown and upon hearing the parties be pleased to direct the Respondents to comply with and/or to give effect to its order contain in O.A.No.34 of 2006 dated 07.12.2006.

And for this act of kindness the Petitioner as in duty bound shall ever pray.

... Verification

20/11/08
642



I, Smt. Kusum Devi, Wife of late Arjun Ram T.No. 53 Ex.Consy Safaiwala Station Head Quarter Narengi Camp Narengi, P.O. Satgaon Guwahati 781027 do hereby solemnly verify that I am the Applicant of O.A. No. 34 of 2006 and also Petitioner of this instant Petition. As such I am fully acquainted with the facts and circumstances of the case. The statements made in paragraph Nos. 1, 3 (Partly), 4..... are true to my knowledge and belief and those made in paragraph..... 2, 3 (Partly)..... of the Petition being matters of record are true to my information, which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I signed this Verification on this 6th day of November 2008.

DECLARANT

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

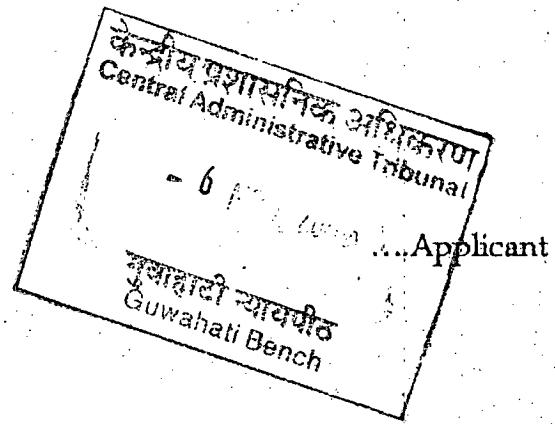
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Wife of Late Arjun Ram,
T. No. 53
Ex. Consy Safaiwala
Station Headquarter
Narengi Camp,
Narengi, P.O. Satgaon,
Guwahati-27.

By Advocate Mr A. Ahmed



Veritas -

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

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K.V.SACHIDANANDAN, (V.C.)

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the 2nd respondent requesting for her appointment on compassionate
ground on 5.3.1999, 8.11.2000 and lastly on 15.7.2005 alongwith the original

ATTESTED

(M)

ADVOCATE

- 7 -

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 :

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ADVOCATE

नाम संक्षिप्त विवरण
Central Administrative Tribunal

- 6/11/2008

गुवाहाटी न्यायालय
Guwahati Bench

3
NRS-BASWDEA. But Mrs Kusum Devi, Wife of Late
Anjan Ram (Ex Token No. 53, Conservancy Safaiwala
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Sd/VICE CHAIRMAN

Date of Application : 15/12/06
Date on which copy is ready : 18/12/06
Date on which copy is delivered : 18/12/06
Certified to be true copy

N. S. Deka
Section Officer (Jedl)
C. A. T. Guwahati Bench
Guwahati
18/12/06

ATTESTED
①
ADVOCATE

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

- 0 - 2008

Date: 26.02.2007

To,

गुवाहाटी न्यायपाल
Guwahati Bench

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

Sub. : Representation

Reference: Order dated 07.12.2006, passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A.No.34 of 2006, Smti Kusum Devi -Vs- Union of India and Others.

Sir,

With reference to the above, I have the honour to state that I am the wife of Late Arjun Ram, T. No.53, Ex-Cnny Safaiwala, who had served under you. My husband Late Arjun Ram, was expired on 8th January 1999, while he was working under you. After the death of my husband, I immediately file a Representation before your honour on 05.03.1999, requesting you to appoint me as Cnny Safaiwala. Again on 08.11.2000, I filed another Representation before you along with all original documents for necessary action in this matter. Lastly on 15.07.2005, I filed another Representation before your honour for consideration of my case as per the existing Rules. However, no action was taken by your honour in this matter. Being aggrieved by this, I was compelled to approach the Hon'ble Central Administrative Tribunal, Guwahati Bench, by filing an Original Application being O.A.No.34 of 2006, seeking justice in this matter. The Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati, finally heard the matter on 7-12-2006 and was pleased to direct me to file a comprehensive representation, along with relevant documents before you, within three months from the date of the Order passed by the Hon'ble Tribunal, and also directed that you shall consider and dispose of the same as

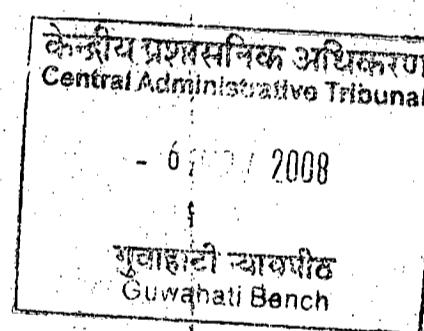
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ADVOCATE

per Rules within a time frame of four months from the date of receipt of the representation.

Accordingly, now I am submitting herewith a fresh comprehensive representation along with my relevant documents as per the Order of the Hon'ble Tribunal dated 7.12.06 passed in O.A. No.34 of 2006, before your honour for kind consideration.

In this connection, I am to state that I am staying at a rented house along with my old aged parents and five minor children, after the death of my husband, I am suffering from acute financial hardship as there is nobody to look after me and my family. My old aged parents are also suffering from various old age ailments and the whole of my family pension amount has exhausted in their treatment. I am on the verge of starvation with my children I am suffering from frustration and mental depression. Further I am to state that not a single person in my family who is in a Government or Semi-Government job. I am running from pillar to post for appointment on compassionate ground under you.

I, therefore, most humbly request before your honour to kindly consider my case for appointment in any Group 'D' post on compassionate ground. Thanking You.



Yours faithfully


Smti Kusum Devi
W/o Late Arjun Ram
T. No. 53, Ex-Consy Sasaiwala
Station Head Quarter
Narengi Camp, Narengi
P.O. - Satgaon
Guwahati-27

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ADVOCATE

**ASOM ANUSUCHITA JATI
PARISAD**

SATI RADHIKA SANTI ROAD
UZAN BAZAR : Guwahati — 781001, (Assam)
Regd. No. : 1046 of 1981-82

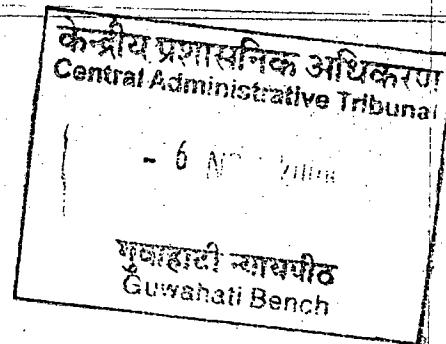


This is to Certify that Shri/Smti. Kusum Devi
Son/daughter/wife of late Atijen Ram vill. Niz Gobardhan
P.O. Chandrapur Mauza. Parleam P.S. Chandrapur the District
of Jharmati Assam belongs to "Machhi" (Harijan) Community
which is recognised as scheduled caste under the constitution of scheduled castes and
scheduled tribes order 1950 as amended by the scheduled castes and scheduled tribes
lists (modified Order) 1976.

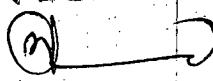
Shri/Smti. Kusum Devi and his/her family originally resides
in vill. Niz Gobardhan P.O. Chandrapur in the District of
Jharmati Assam.

Signature.....
Designation.....
(Seal)
Place.....
Date.....

Countersigned
President
Assam

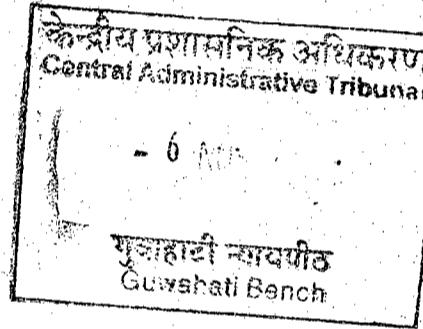


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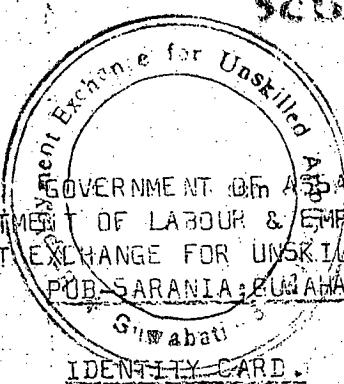

ADVOCATE

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ଶ୍ରୀକୃଷ୍ଣମହାତ୍ମବାହୀନୀ



8/21/2000



X-10 (B)

1. Name in full *Kusum Devi*

2. Date of Birth *1-7-67*

3. Date of Registration *19-7-2000*

4. Registration Number *W-257/2000*

5. Qualification *Passed Class - III*

6. N.C.O. Code Number *54120*

(Signature of Applicant) *✓*

Next Renewal Month & Year *7/2003*

Employment Officer,
Employment Exchange for Unskilled
Applicants, Guwahati-3,
Assam, India

Guwahati-3

केन्द्रीय प्रशासनिक अधिकारा
Central Administrative Tribunal

- 6 -

गुवाहाटी न्यायालय
Guwahati Bench

ATTESTED
②
ADVOCATE

অসম চৰকাৰ
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তাৰ ৭/৩/২০০৮

মাদার কেন্দ্ৰিত প্ৰযোজন

প্ৰযোজন প্ৰক্ৰিয়া নং. অ. ৩৭২

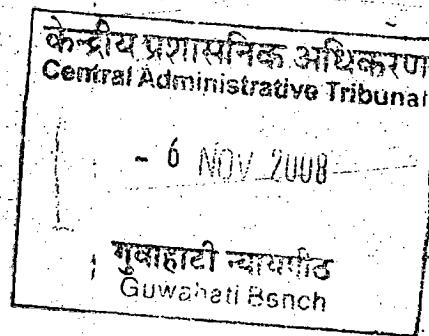
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গুৱাহাটী/পুৰী কুন্তল দেৱী

প্ৰিয়া/মৃত্যু/ব্যাপী অভিযোগ কৰা বৰ্তমান বৰ্ষ

শাস্তি কৰাবলৈ কৃষি/বাৰষায়/ দিবাজিৰিৰ পৰা হোৱা পৰিধানৰ বছৰেৰীয়া আৰু

মুক্তি নিবন্ধন (ভূমি প্ৰযোজন প্ৰক্ৰিয়া) কৰা ধৰ্যা কৰা হ'ল।



ATTESTED

বি

ADVOCATE

পুঁজুৰুষ ৬০।

অসম চৰকাৰ

চেন্দুৰ বাজেত চৰকাৰৰ বাস্ত্বালয় ::::: শাৰ্মিশ্বাৰ এটি

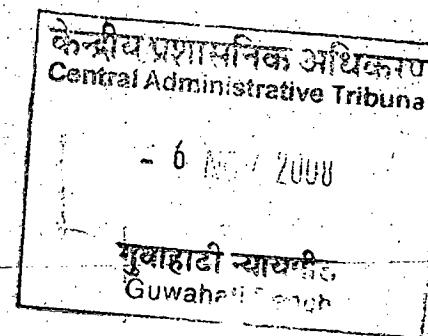
নং ১০

তাৰিখ : - ১৫/১/২০২১

যাৰ প্ৰেত প্ৰাপ্তি

প্ৰমাণ প্ৰেত দিয়া হয় হে মাঝঁ যোজাৰ গোৱদৰ্ধন গ্রাম গাঁওৰ
প্ৰাপ্তি কুচ মুদৰী চৰাগী মৃত অৰ্জন বাযৰ ই চৰকাৰ মাঝঁ যোজাৰ ১ নং লাটৰ
প্ৰত্যৰ্গত গাঁও সময়ত বাখি দুক্ষে বোনো গাঁটি থকা দেখা বাযায়।
কুচত প্ৰাপ্তি প্ৰাপ্তি নাট যন্তৰ প্ৰতিবেদনৰ ওপৰত দিয়া হ'ল।

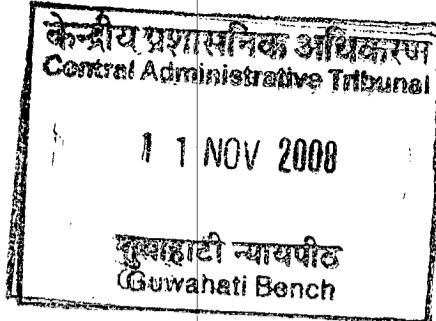
চৰকাৰৰ বাস্ত্বালয় শাৰ্মিশ্বাৰ এটি



ATTESTED

②

ADVOCATE



(TRANSLATED COPY)

CERTIFICATE

This is to certify that Smt. Kusum Devi Wife of Late Arjun Ram resident of village Nizgobardan (Garogaon) Post Office Chandrapur Police Station Pragjyotishpur in the District of Kamrup (Assam).

The above named lady is a permanent resident of the aforesaid locality. It is very difficult for her to maintain the five children without late Arjun Ram. Therefore it would be good for her if she get some help.

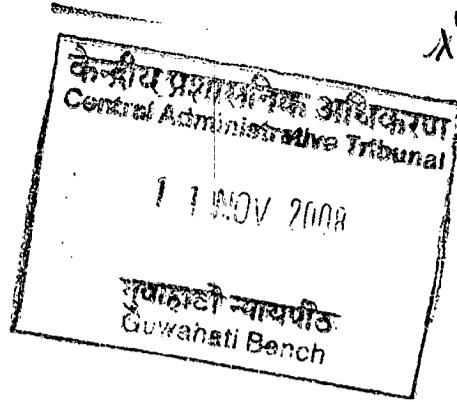
Certificate is issued for her success in life.

Illegible
Sd/
Sri Kamal Chandra
Saikia
Viilage
Nizgobardhan (Garogaon)
Chandrapur, Kamrup, Assam
4/2/2000

Translated copies filed on 11.11.2008.

Nuruddin Ahmed
Advocate
11.11.08

Attested
N
Advocate



(TRANSLATED COPY)

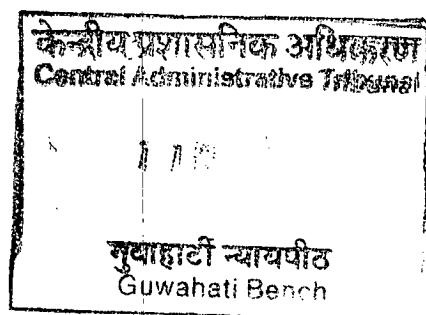
SCHOOL CERTIFICATE

Smt.Kusum Devi Daughter of Late Bolo Ram Resident of Village
Gobardhan Garogaon, Police Station- Pragjyotishpur, Sub-division-
Pragjyotishpur in the district of Kamrup (Assam) has studied in the Primary
Garogaon School. She had completed her studies on the 31st day of December
1977. She has passed Class III Examination in this school. Her character was good
during School period. She is 09 years 06 months and 0 days in the 1st January of
1977 according to the Admission Registrar.

Dated-29.05.1999

Illegible
Sd/
29.05.1999
Head Master
Gobardhan Garogaon L.P.
School
Pragjyotishpur Sub-
Division
Kamrup District.

Admitted
M
Advocate



(TRANSLATED COPY)

Govt. of Assam

Office of the Circle Officer

Panikhaity

Sl.No.286

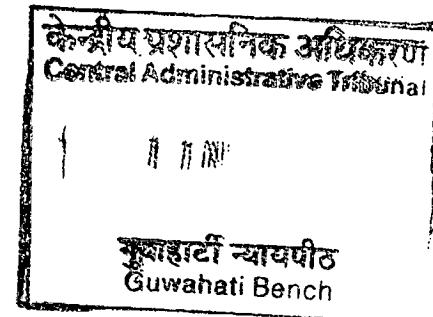
Dated- 07.01.2000

TO WHOM IT MAY CONCERN

This is to certify that Smt. Kusum Devi Wife of late Arjun Ram Resident of Village Gobardhan under the Mouza- Mayang annual family income from agriculture/business/daily wage labour are fixed approximately Rs. 6,500.00(six thousand and five hundred only) till March of 1998-99.

Illegible
Sd/
Circle Officer
Chandrapur Revenue Circle
Panikhaity

*Affixed
M
Advocate*



(TRANSLATED COPY)

Govt. of Assam

Office of the Chandrapur Revenue Circle Office: Panikhaity

Sl. No.10

Dated 11.02.2000

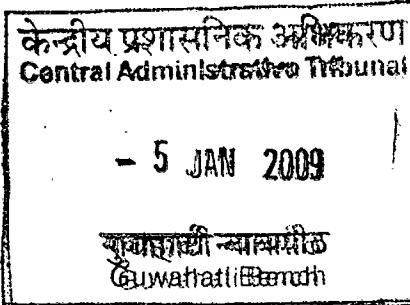
TO WHOM IT MAY CONCERN

This is to certify that Smt. Kusum Devi Wife of Late Arjun Ram resident of village Gobardhan Gaon under the Mouza- Mayang has no land in the villages included under the Lat No.1 of the Mayang Mauza.

The aforesaid Certificate is issued on the report of the Lat Mandal.

Illegible
Sd/
Circle Officer
Chandrapur Revenue Circle
Panikhaity.

*Attst
N
Advocate*



62
- 5 JAN 2009

गुवाहाटी बाबामीठ
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Title of the case : Execution Petition No. 8/2008
OA No 34 of 2006

BETWEEN
Smti Kusum Devi ..Applicant.
AND

UNION OF INDIA & ORSRESPONDENTS

REPLY TO THE EXECUTION PETITION SUBMITTED BY THE RESPONDENTS

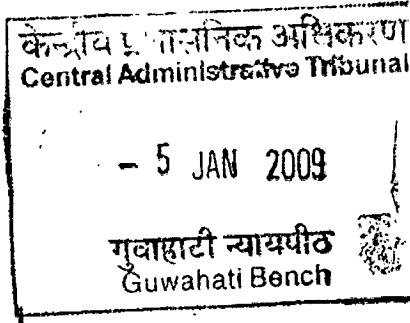
I N D E X

Sl No.	Particulars	Page No.
1.	Reply Statement	1-6
2.	Verification	7
3.	Annexure-1	8-10
4.	Annexure-2	11, 12
5.	Annexure-3	13
6.	Annexure-4	14
7.	Annexure-5	15
8.	Annexure-6	16
9.	Annexure-7	17

Filed by :
Miss Usha Das
Addl CGSC

Date : 02/02/09

*Received by
N. Dhar
27.01.09*



Filed by
the respondents through
Eleha Devi
Adv. Circle 89
02/02/2009

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

Execution Petition No. 8 /2008

IN OA NO. 34/2006

Smti. Kusum Devi

.....APPLICANT

-VERSUS-

UNION OF INDIA & OTHERS

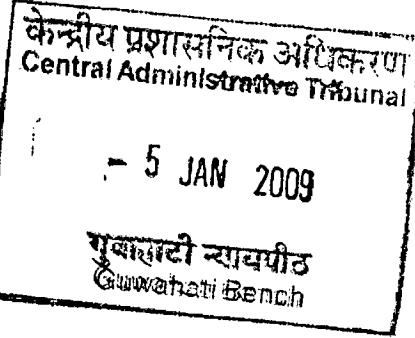
.....RESPONDENTS

IN THE MATTER OF *to be*

Reply to the Execution Petition filed by the
respondents.

- 1) That the respondents have received a copy of the Execution Petition (herein after referred as Petition) and have understood the contentions made therein. Save and except the statements, which are 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 before giving parawise reply, the respondents beg to give brief Review of the case.

*Received by
N. Ahmed
Advocate (a) The applicant Smti. Kusum Devi, wife of Late Arjun Ram, T.
No. 53, Ex Conservancy Safaiwala Headquarters, Narengi
Camp, in her Original Application No. 34 of 2006 before the
Hon'ble Tribunal praying for a direction to the respondents for ~~fix~~
her appointment on compassionate grounds in any Group 'D'
post under the respondents.*



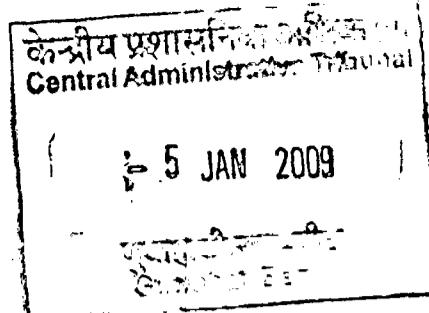
(b) That the respondents filed their detailed Written Statements in the above noted Original Application.

(c) That the Hon'ble Tribunal after hearing to the parties to the proceeding was pleased to dispose of the OA No. 34/2006 on 07.12.2006 directing the applicant to file a comprehensive representation along with relevant documents before the competent authority within three months from the date of the order while the competent authority was directed to consider and dispose of the applicant's representation as per rules within a time frame if four months from the date of receipt of the fresh representation.

A photocopy of the judgment and order dated 07.12.2006 passed in OA No. 34/2006 is annexed herewith and marked as Annexure- 1



(d) That pursuant to the directions of Hon'ble CAT, Guwahati Bench the applicant submitted a fresh representation dated 26.2.2006 before the competent authority before the respondents without relevant documents. Subsequently the applicant has filed Execution Petition No. 8 of 2008 before the Hon'ble CAT, Guwahati alleging that the respondents have not complied with the directions of Hon'ble CAT, Guwahati, as directed by the order dated 07.12.2006, in that the respondents who were required to dispose of the applicant's fresh representation within



four months of the same having been received have not responded in the matter so far.

(e) That pursuant to the Execution Petition No. 8 of 2008, the Hon'ble Tribunal, Guwahati Bench has issued a notice dated 10.11.2008 directing the respondents to file their reply to the Execution Petition within 30 days of the receipt of the notice.

Parawise reply to the Execution Petition as follows:-

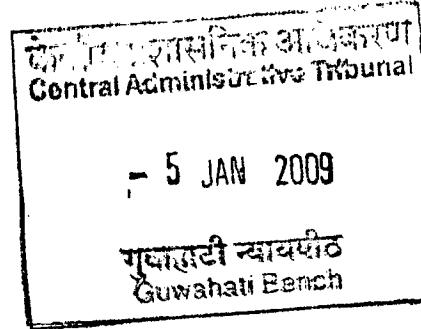
3) That with regard to the statement made in paragraph 1 and 2 of the EP, the respondents beg to offer no comment.

4) That with regard to the statement made in paragraph 3 of the EP the respondents beg to submit that the fresh representation dated 26.2.2007 was received by the competent authority without the relevant documents as stated on page 2 in line four of the fresh representation.

A copy of the presentation dated 26.2.2007 submitted the applicant is annexed herewith and marked as Annexure- 2.

5) That with regard to the statement made in paragraph 4 of the EP the respondents beg to submit that the allegation that the respondents have not disposed of the aforesaid representation of the applicant violating the directions given by the Hon'ble Tribunal by the order dated 07.12.2007 are totally false and baseless on account of following statements:-

disposed off



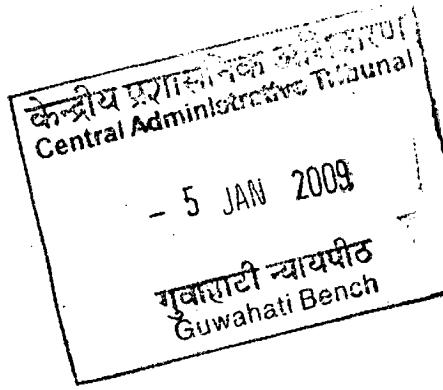
(a) That the fresh representation dated 26.2.2007 from the applicant was received without the relevant documents as referred to in Page 2, line 4 of the said representation.

(b) That immediately on receipt of the representation dated 26.2.2007, without the relevant documents, Smti Kusum Devi, the applicant was directed with utmost urgency to submit all relevant documents vide Station Cell, HQ 51 Sub Area, C/o 99 APO letter No 7202/EST/CAT/OA-34/06 dated 01.3.2007. The relevant documents for her appointment have not been submitted by the applicant to this office so far.

A copy of the letter dated 1.3.2007 is annexed herewith and marked as Annexure- 4.³

(c) That the applicant was also called to the office of the Respondents for ascertaining the problems if any which she may be facing in preparation of the relevant documents. Further, purely on humanitarian grounds realizing that Smti Kusum Devi will not be able to obtain the caste certificate from the competent authority, she was advised and actively assisted in preparing documents for seeking employment on compassionate grounds in respect of her son, Shri Vinod Kumar Ram, son of Late Arjun Ram, Conservancy Safaiwala.

(d) That accordingly she submitted the requisite documents for employment of her son vide her application dated 16.4.2007. Consequently a case has been taken up for employment of the



5

applicant's son in any Group 'D' post video Station Cell, Headquarters 51 Sub Area letter No. 7202/EST/EMP/NOK/VKR dated 20.8.2007.

A copy of the letter dated 16.4.2007 is annexed herewith and marked as Annexure- 4.

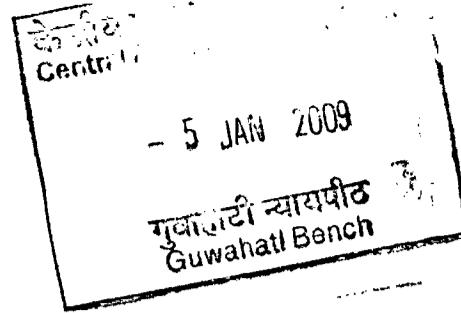
A copy of the letter dated 20.8.2007 along with all relevant documents is annexed herewith and marked as Annexure- 5.

(e) That the case for seeking employment in respect of Shri Vinod Kumar Ram, son of the applicant and Late Arjun Ram, Conservancy Safaiwala is being actively followed up by this Headquarters, purely on humanitarian grounds. In this regard Station Cell, Headquarters 51 Sub Area Service Note No. 7202/EST/EMP/NOK/VKR dated 03.1.2008 and HQ 51 Sub Area letter No. 2221/4/GS (SD)/GHY dated 03.5.2008.



Copy of the letters dated 03.1.2008 and 03.5.2008 are annexed herewith and marked as Annexure- 6 and 7 respectively.

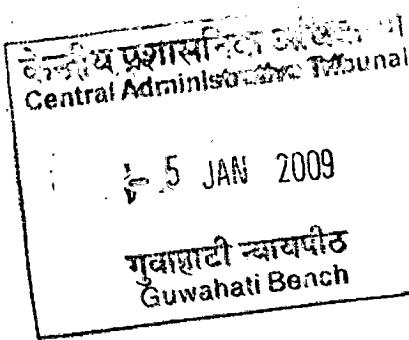
(f) That the copy of the relevant documents in support of the fresh representation which have been received in Annexure-II to the Execution Petition No. 8 of 2008 have been studied. It is revealed that the caste certificate in respect of the applicant attached with the Annexure-II has been obtained from Assam



Anusuchita Jati Parishad. However the caste certificate in respect of the applicant is required to be obtained from Bihar, where from her husband originally belonged, as per home address endorsed in the service book of her husband, Late Arjun Ram, that is, Vill & P.O. – RODWIL, Dist- Munger (Bihar), NRS-BASWDEA. In Absence of caste certificate from the competent authority, the fresh representation from the applicant for employment in any Group 'D' employment cannot be processed.

A copy of the Caste Certificate submitted by the applicant with Annexure-II, representation is annexed herewith and marked as Annexure- 8.

6) That with regard to the statement made in paragraph 5 and 6 of the Execution Petition the ~~answering~~ respondents beg to submit that in view of the submission made above it is apparent that the representation of the applicant was considered with all sincerity. Now the representation of Shri Vinod Kumar Ram son of the applicant is under active consideration. In view of the factual position the Hon'ble Tribunal may be pleased to dispose of the present petition as infructuous.



AFFIDAVIT

I Shri Colonel C K Bora
at present working as Station Staff Officer (A)
at Station Cell HQ 51 Sub Area, Narangi Military Station
authorized by the competent authority to take steps and file affidavit on
behalf of all the petitioners in the present Misc. Petition and hence
competent to sign this Affidavit, do hereby solemnly affirm and state that
the statement made in paragraph
1, 2~~part~~, 2 part, 3 & 6 are
true to my knowledge and belief, those made in paragraph
2 part, 4, 5 being matter of records,
are true to my information derived there from and the rest are my humble
submission before this Hon'ble Tribunal. I have not suppressed any
material fact.

And I sign this affidavit on this 19th day of Jan, 2009 at

Identified by



DEPONENT

कानून

Col

एस एस ओ (v)

SSO(A)

स्टेशन सेल मुख्यालय 51 सब एरिया

Station Cell HQ 51 Sub Area

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

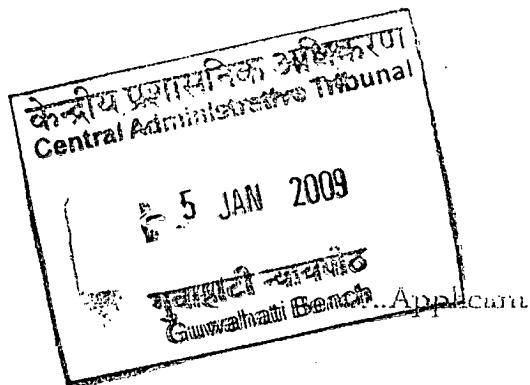
Original Application No. 34 of 2006.

Date of Order: This, the 7th Day of December, 2006.

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

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

By Advocate Mr A. Ahmed



- Versus -

1. Union of India
 represented by the Secretary to the
 Govt. of India, Ministry of Defence,
 101 rough 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 2nd respondent requesting for her appointment on compassionate ground on 5.3.1999, 8.11.2000 and lastly on 15.7.2005 alongwith the original

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- 5 JAN 2009

गुवाहाटी वायपीट
Guwahati Bench

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 deemed 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 respondent 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:

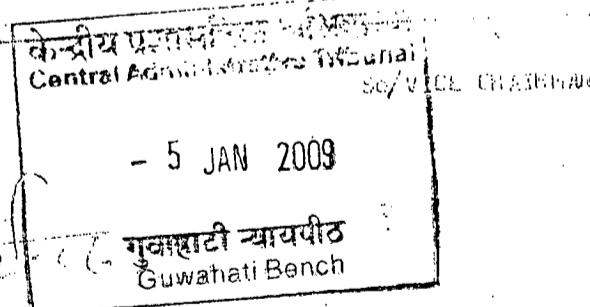
That with regard to the statement made in para 4.3 of the O.A. the respondents beg to state that the applicant was asked to submit the relevant documents for taking action on her representation as per rule, but she fails to submit her caste certificates from Bihar where from her husband originally belong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

NIRS BASWDEA. But Mrs Kusum Devi, Wife of late Arjua Ram (Ex Token No. 53, Conservancy Samwala has given her home address as under- Vill NIZCOBOARDHAN, 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.



H. M. R.

Date: 26.02.2007

To,

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

केन्द्रीय प्रशासनिक अदायकरण
 Central Administrative Tribunal

5 JAN 2009

गुवाहाटी न्यायालय
 Guwahati Bench

Sub. : Representation

Reference : Order dated 07.12.2006, passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati in O.A.No.34 of 2006, Smiti Kusum Devi -Vs- Union of India and Others.

Sir,

With reference to the above, I have the honour to state that I am the wife of Late Arjun Ram, T. No.53, Ex-Cnsey Safaiwala, who had served under you. My husband Late Arjun Ram, was expired on 8th January 1999, while he was working under you. After the death of my husband, I immediately file a Representation before your honour on 05.03.1999, requesting you to appoint me as Cnsey-Safaiwala. Again on 08.11.2000, I filed another Representation before you along with all original documents for necessary action in this matter. Lastly on 15.07.2005, I filed another Representation before your honour for consideration of my case as per the existing Rules. However, no action was taken by your honour in this matter. Being aggrieved by this, I was compelled to approach the Hon'ble Central Administrative Tribunal, Guwahati Bench, by filing an Original Application being O.A.No.34 of 2006, seeking justice in this matter. The Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati, finally heard the matter on 7-12-2006 and was pleased to direct me to file a comprehensive representation, along with relevant documents before you within three months from the date of the Order passed by the Hon'ble Tribunal, and also directed that you shall consider and dispose of the same in

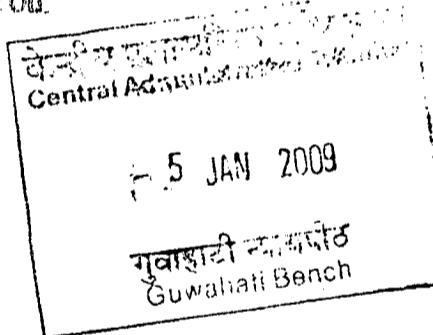
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per Rules within a time frame of four months from the date of receipt of the representation.

Accordingly, now I am submitting herewith a fresh comprehensive representation along with my relevant documents as per the Order of the Hon'ble Tribunal dated 7.12.06 passed in O.A. No.34 of 2006, before your honour for kind consideration.

In this connection, I am to state that I am staying at a rented house along with my old aged parents and five minor children, after the death of my husband, I am suffering from acute financial hardship as there is nobody to look after me and my family. My old aged parents are also suffering from various old age ailments and the whole of my family pension amount has exhausted in their treatment. I am on the verge of starvation with my children. I am suffering from frustration and mental depression. Further I am to state that not a single person in my family who is in a Government or Semi-Government job. I am running from pillar to post for appointment on compassionate ground under you.

I, therefore, most humbly request before your honour to kindly consider my case for appointment in any Group 'D' post on compassionate ground. Thanking You.



Yours faithfully,
 Smti Kusum Devi
 W/o Late Arjun Ram
 T. No. 53 1, Ex-Consy Safaiwala
 Station Head Quarter
 Narengi Camp, Narengi
 P.O. - Sargaon
 Guwahati-27

Conveyed

9 13 Annexure - 3

Tele Mil : 6242/6244

Station Cell
HQ 51 Sub Area
C/O 99 APO

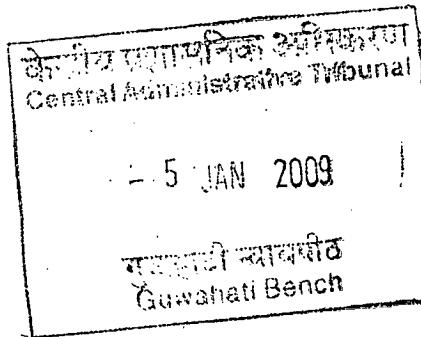
7202/EST/CAT/OA-34/06

21 Mar 2007

Smt Kusum Devi
W/O Late Arjun Ram
Ex-Conservancy Staffwala
Stn Cell, HQ 51 Sub area

APPOINTMENT ON COMPASSIONATE GROUND

1. Reference your application dated 26 Feb 2007.
2. You are directed to submit your relevant document/certificate/s for the same for further action.



(Bhupen Das)
Lt Col
SSO
For Admin Comittee

pc das/*

Subramanyam

ପ୍ରାଚୀନାମ୍ବିରିକା ପାତାର ପାତା
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Date	2011-12-05	Court	Central Arbitration Tribunal
Central Arbitration Tribunal	Central Arbitration Tribunal	Central Arbitration Tribunal	Central Arbitration Tribunal
- 5 JAN 2009		Central Arbitration Tribunal	

1949.11.24

- 5 JAN 2009

आज: श्रीमान् श्री लिलानन्द जी का जन्म दिन
का श्रावण पूर्णिमा श्री लक्ष्मण लिलानन्द जी का जन्म
की तिथि वर्ष १९१९ ईस्य श्रावण शुक्ल पूर्णिमा श्री
लक्ष्मण लिलानन्द जी का जन्म दिन

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(१७) ज्ञान विज्ञान - विज्ञान

(१८) गुरु विज्ञान

(१९) विज्ञान विज्ञान - विज्ञान

(२०) विज्ञान विज्ञान

(२१) विज्ञान विज्ञान - विज्ञान

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(२५) विज्ञान विज्ञान - विज्ञान

(२६) विज्ञान विज्ञान - विज्ञान

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Annexure - 5 aX

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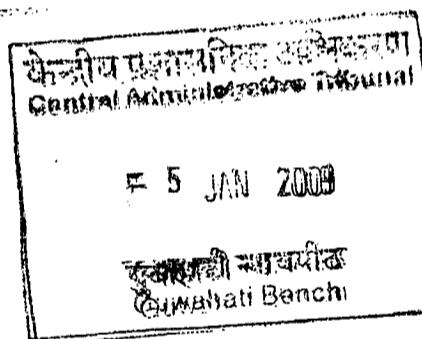
- 15 -

STATION CELL, HQ 51 SUB AREA : CIV ESTABLISHMENT**EMPLOYMENT ON COMPASSIONATE GROUND IN RESPECT OF
SHRI VINOD KUMAR RAM, SON OF LATE ARJUN RAM,
CONSERVANCY SAFAIWALA**

1. Statement of case in triplicate for employment on compassionate ground in respect of Shri Vinod Kumar Ram, Son of Late Arjun Ram Conservancy Safaiwala is fwd herewith duly recommended by S/o Cdr for onward submission to higher HQ please.

2. Following relevant documents are also fwd alongwith Statement of Case :-

(a)	Recommendation on statement of case	03 Set
(b)	Application, Part I & Part II	03 Set
(c)	No objection certificate	03 Set
(d)	Declaration certificate	03 Set
(e)	Medical certificate under Article 49 CSR	03 Set
(f)	No Demand certificate from the family member	03 Set
(g)	Death Certificate	03 Set
(h)	Court Affidavit	03 Set
(i)	Percentage certificate	03 Set
(j)	Employment Exchange Card	03 Set
(k)	Age certificate/Educational qualification certificate	03 Set
(l)	Photocopy of PRC	03 Set
(m)	Photocopy of Diploma in Computer	03 Set



(M) Ramachandran
Col
Adm Comdt

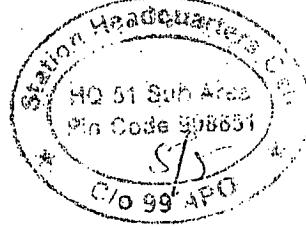
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'GS' Branch, HQ 51 Sub Area.

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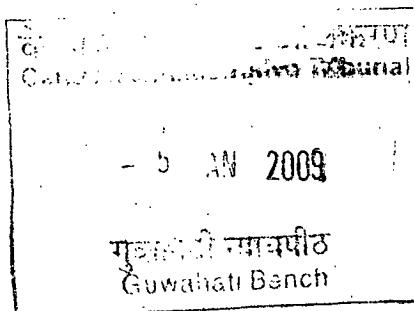
HQ 51 Sub Area
PIN-786651
C/O 99 APO

22 Mar 08

HQ 101 Area GS(SD)
C/O 99 APO

EMPLOYMENT OF COMPASSIONATE GROUND IN RESPECT OF SHRI KUMAR RAM, SON OF LATE ARJUN RAM, CONSERVANCY SAFARI

1. Ref this HQ letter No 2221/4/GS(SD)/Ghy dt 11 Mar 08.
2. You are requested to intimate present posn of the case



(SI Huda,
Col
GSO 1(OpS)
for Offg Col)

Encl. As above.

Copy to :-

Internal

Stn Cell

- For info wrt your SN No 7202/Est/Emp/NOK/VKR dt 29 Apr 08

Enclosures: -