

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH;

1. Original Application No. 34 / 06  
2. Misc Petition No. /  
3. Contempt Petition No. /  
4. Review Application No. /  
5. Execution Petition 8 / 08

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

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

Advocate for the Respondent(S) CGSC

Notes of the Registry	Date	Orders of the Tribunal
<p><i>This Execution petition has been filed by the Applicant w/c 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 7.12.06 passed in O.A 34/06.</i></p> <p><i>Lead before the Honble Court for further orders.</i></p> <p><i>Lead before the Honble Court for further orders.</i></p> <p><i>Section Officer</i></p> <p><i>Pl. issue notice to respondents.</i></p> <p><i>21.10.12'08</i></p>	<p>10.11.2008</p> <p>15.12.2008</p>	<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>(S.N. Shukla) Member (A)</p> <p>(M.R. Mohanty) Vice-Chairman</p> <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>(S.N. Shukla) Member (A)</p>

41

EP-8/08(OA 34/06)

20.1.09 Bench is not available  
List on 10.2.09.

10.2.09

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-453424535  
Cus. Dt. 24/11/08.  
20/11/08

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.

① Service report  
awaited.

Notice duly served on  
R-2

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

5.2.09  
Reply statements  
filed by the Respondents.  
copy served.

10.2.09

10.2.09

/bb/

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

Free copies of this order  
be handed over to Mr.N.Ahmed  
Ld. counsel appearing for the  
Applicant and Ms.U.Das, Ld.  
Addl. Standing counsel.

received  
18/2/09

Copies of order dt.  
10.2.09 is prepared &  
sent to Section for issue  
to the Respondents & true copy  
handed over to the Ld.  
Counsel both parties

M.No - 585 to 589  
dt 19-02-2009

17.2.09

- 3 -

EP-8/2008

32


Reply filed by The Respondents.

26.3.09

27.03.2009

Call this matter on 03.04.2009.

nkm

  
(M.R. Mohanty)  
Vice-Chairman

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

  
(M.R. Mohanty)  
Vice-Chairman

Received  
Alsha Das  
Addl CHSC  
21/4/09.

Received by  
N. Ahmed  
Advocate  
28/4/09

pg

7.5.09

Copy of the order  
sent to the D/Sec.  
for issue the same  
to the Parties.

7/5/09

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI**

**EP No.8/2008**

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

**3<sup>rd</sup> 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?
2. Whether to be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment ?

**Yes/No**

**Yes/No**

**Yes/No**

**Vice-Chairman**

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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]**

3<sup>rd</sup> 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

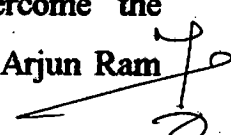
Respondents

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



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 <sup>Standing</sup> 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.

FILED BY

Smt. Kusum Devi  
Applicant  
-Haragesh Shrivastava  
Advocate

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  
Ushant  
Addl CSE  
27/3/09

27/3/09 6451

File in Court on. 27/01/09

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 27<sup>th</sup> day  
of March 2009 at Guwahati.

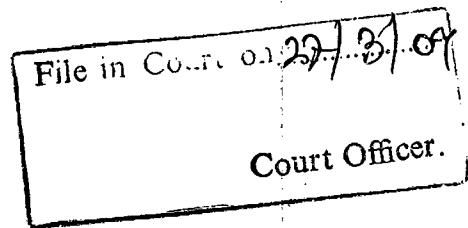
সুসুম দেবী

D E C L A R A N T

NOTICE

date - 27-03-09

From, N. Ahmed  
Advocate



To, Mrs 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

Sir,

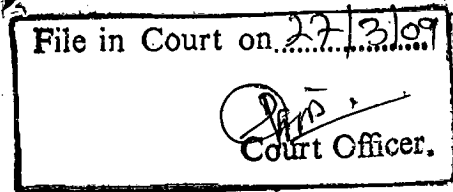
Please find herewith a copy  
of Additional Statement filed by  
Smt. Kuman Devi through me  
before this Honble Tribunal and  
kindly acknowledge the receipt of  
the same.

Thanking You

N. Ahmed  
Advocate

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

In the Central Administrative Tribunal at  
Guwahati Bench, Guwahati



E.P. NO. 8/08

In OA NO. 34/06

Smt. Kusum Devi  
- vs - Applicant

U.O. 1 & ors.  
- vs - Respondents

Filed by  
Alsha Das  
Addl CHSC  
27/3/09

### MEMORANDUM

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

Alsha Das  
Addl CHSC  
27/3/09

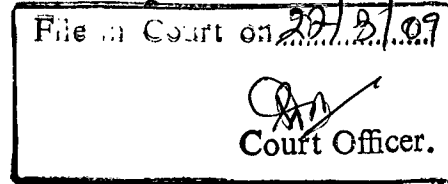
Tele : 6242

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



**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,

A handwritten signature in ink, appearing to be "Prem Sagar".

(Prem Sagar)  
Colonel  
Administrative Commandant  
For Station Commander

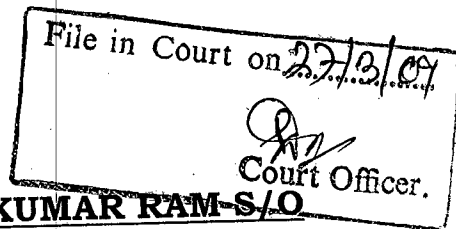
**Encl** : As above



vkk/\*

25 Mar 2009

**STN CELL, HQ 51 SUB AREA**

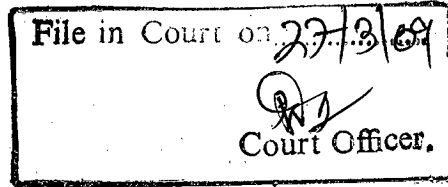


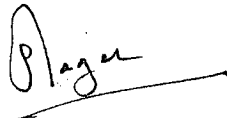
**COMPASSIONATE APPOINTMENT : SHRI VINOD KUMAR RAM-S/O**  
**LATE SHRI ARJUN RAM, CONSY SFWL OF STN CELL**  
**HQ 51 SUB AREA**

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.

..... 2/-

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  
*de*

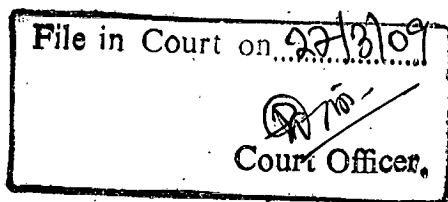
**Encl** : As per Para 4 and 6 above.

**GS Branch**

**Copy to :-**

- |   |  |
|---|--|
| Addl Director General of Staff Duties<br>SD-7 (Adm Civs))<br>General Staff Branch<br>Integrated HQ of MoD (Army)<br>PIN - 900 256<br>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)<br>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)<br>PIN - 908 101<br>c/o 99 APO   | - For info pl.   |

vkk/\*



प्रशासनाधिकारी  
स्टेशन खेल  
हैड क्वार्टर 51 सब स्टेशन  
भार्फत: 99 एच पी 0 और  
दिनांक: 24-3-2009

विषय - अनुकम्पा के अघार पर  
नौकरी सम्बंधित

सेवा में,

1. श्रीमान से सबिजन निवेदन यह है कि मैं श्रीमती कुसुम देवी पत्नी स्वर्गीय अर्जुन राम टिकर नं 53 पत्वारकुआ में रहती हूँ मैं अपने पति के मृत्यु के बाद मैं अपने नौकरी के लिए स्टेशन खेल में प्रार्थना दिया था परन्तु मैं अपने नौकरी से सम्बंधित प्रमाण-पत्र नहीं जमा कर पाई इसके बाद मैं अपने पुत्र के नौकरी के लिए आर्बेदन दिया
2. आपके दौ-रीन संदेश मिलने के बाद भी मैं आपसे मिल नहीं सकी। इसके लिए माफी चाहती हूँ। अपने पुत्र की नौकरी के बारे में प्रार्थना पत्र देती से देने का मुख्य कारणा पहले अपने नौकरी का आर्बेदन देना एवं जरूरी कागजातों का रखें पर नहीं होना था
3. मैंने पति का जन्म स्थल बिहार होने के कारणा हमें प्रमाण-पत्रों के लिए वहाँ जाना पड़ता था हमारे पास पैसे नहीं होने के कारणा बारम्बार बिहार नहीं जा सकी थी।
4. श्रीमान जी मैं देती से प्रमाण-पत्र पकड़ कर देने हेतु व नौकरी सम्बंधित पत्र देती से देने हेतु माफी चाहती हूँ
5. अतः श्रीमान जी से प्रार्थना है कि मैंने पुत्र का अतिश्रीय कोई भी नौकरी प्रदान करने का कृपा करें।

आपकी कृपा के लिए अमाशीरदुगी  
कृष्णप्रिया 24.03.09.

श्रीमती कुसुम देवी  
पत्नी स्वर्गीय अर्जुन राम  
टिकर नं 53

गुम - पत्वारकुआरी

Son of - Late Arjun Ram.  
K. Ram.



Date: 26.02.2007

To,

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

File in Court on 27.3.07.

  
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-Cnsy Safaiwala, who had served under you. My husband Late Arjun Ram, was expired on 8<sup>th</sup> 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 Consy-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.

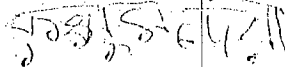
In this connection, I am to state that I am staying at a rented house along with my old aged parents and five minor children, after the death of my husband, I am suffering from acute financial hardship as there is nobody to look after me and my family. My old aged parents are also suffering from various 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. 27/3/09

  
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 7<sup>th</sup> Day of December, 2006.

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

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

File in Court on 20.12.06.

  
Court Officer.

.....Applicant

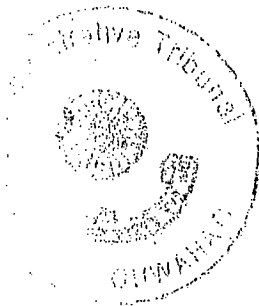
By Advocate Mr A. Ahmed

- Versus -

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

.....Respondents

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

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

The applicant's husband late Arjun Ram was a Conservancy Safaiwala, who expired on 8.1.1999 while he was working under Respondent No.2. The wife of the deceased filed representations before the 2<sup>nd</sup> respondent requesting for her appointment on compassionate ground on 5.3.1999, 8.11.2000 and lastly on 15.7.2005 along with the original

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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 deem fit and proper by the Hon'ble Tribunal.

File in Court on.....

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.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),

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. S.*  
18.12.06  
Section Officer (Judl)  
Q. A. T. Guwahati Bench  
Guwahati-5.

*cc 18/12*

## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

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Station Headquarter  
Narengi Camp,  
Narengi, P.O. Satgaon,  
Guwahati-27.

File in Court on 20.12.06.

  
Court Officer.

....Applicant

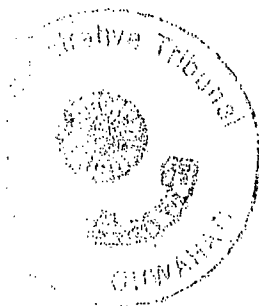
By Advocate Mr A. Ahmed

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Govt. of India, Ministry of Defence,  
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File in Court on.....

Court Officer.

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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.

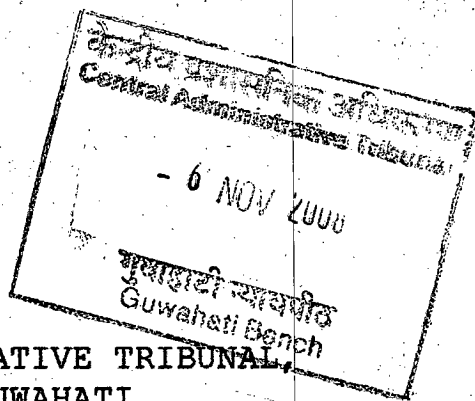
The O.A. is disposed of as above. In the circumstances there will be no order as to costs.

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

*[Signature]*  
 Section Officer (Judl)  
 C. A. T. Guwahati Bench  
 Guwahati-5.  
*[Signature]* 18/12





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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3	I	Photocopy of the Judgement and order dated 07.12.2006 passed in O.A. No.34 of 2006.	6 to 8
4	II	Photocopy of the Representation dated 26.02.2007.	9 to 16

Filed By

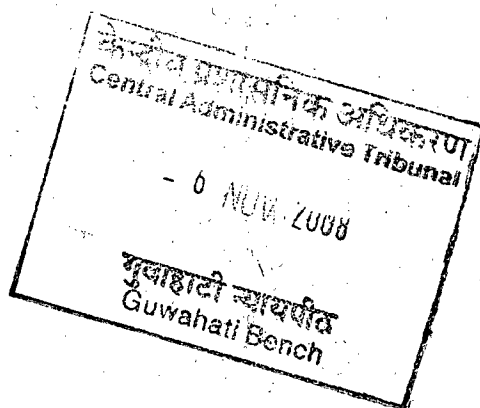
Nuruddin Ahmad  
ADVOCATE

कुसुम देवी

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

Execution Petition No. 8 of 2008

IN ORIGINAL APPLICATION NO. 34 OF 2006.



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-

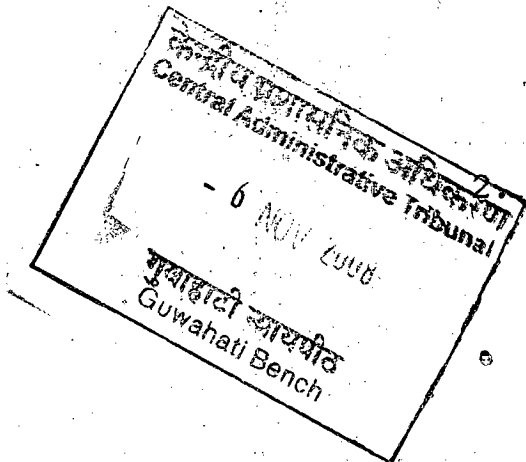
FILED BY

Smt. Kusum Devi

Applicant

Through Nuruddin Ahmed  
Advocate

कुसुम देवी



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

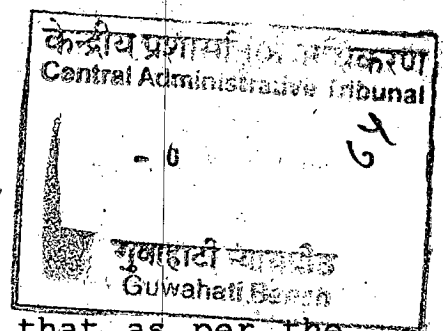
MOST RESPECTFULLY SHEWETH

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 and date '6/11/11' at the bottom left of the page.



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.

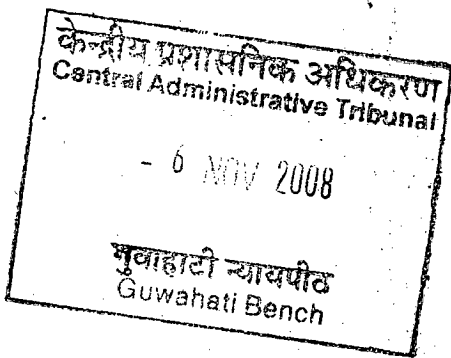
5. That your Petitioner submits that this Hon'ble Tribunal may be pleased to direct the Respondents under Rule 24 of the Central Administrative Tribunal (Procedure) Rules of 1987 to implement the Order dated 07.12.2006 passed in O.A. No.34 of 2006.

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

सुजय लाल

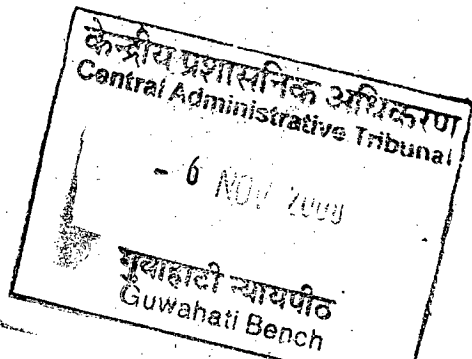
this Petition and issue notice on the Respondents to show cause as to why necessary order or orders as prayed for should not be passed directing and/or commanding the Respondents to give effect to its order dated 07.12.2006 passed in O.A.No.34 of 2006 and if any cause or causes being shown and upon hearing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

सुमिता बसु



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

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 6<sup>th</sup> day of November 2008.

कुसुम देवी

DECLARANT

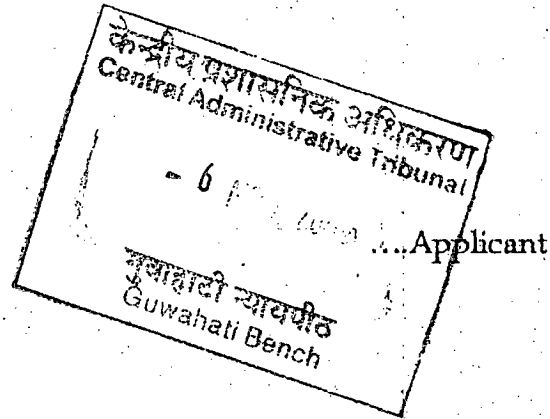
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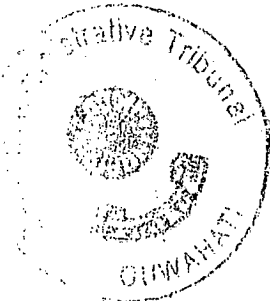
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✓

ATTESTED

  
ADVOCATE

- 7 -

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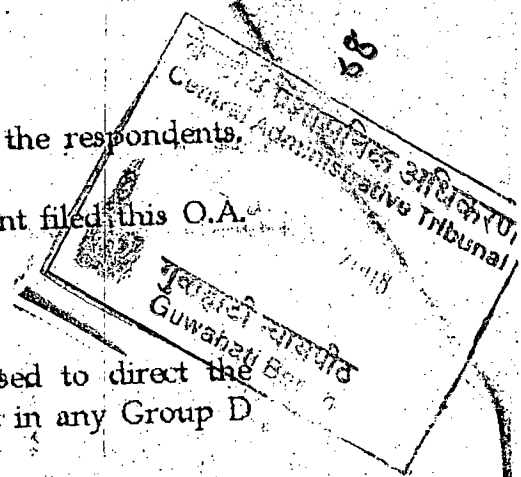
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ATTESTED

ADVOCATE





केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

- 6 NOV 2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

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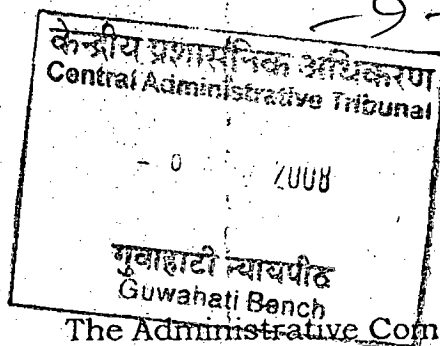
Date of Application : 15.12.06  
Date on which copy is ready : 18.12.06  
Date on which copy is delivered : 18.12.06  
Certified to be true copy

*N. J. Sanyal*  
18.12.06  
Section Officer (Judl)  
C. A. T. Guwahati Bench  
Guwahati-5.

*18/12/06*

ATTESTED

*[Signature]*  
ADVOCATE



ANNEXURE-- II

Date: 26.02.2007

To,

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-Cnsy Safaiwala, who had served under you. My husband Late Arjun Ram, was expired on 8<sup>th</sup> 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 Consy-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

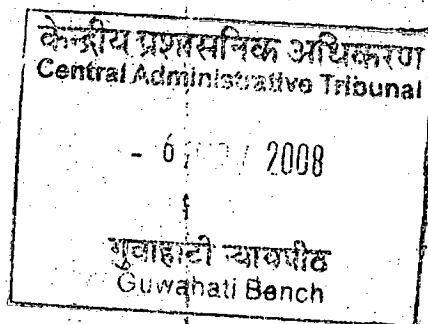
ATTESTED  
  
ADVOCATE

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 Safaiwala

Station Head Quarter

Narengi Camp, Narengi

P.O. - Satgaon

Guwahati-27.

ATTESTED

ADVOCATE

195

SL No 19447

# 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 Arjun Ram vill Niz Gabardham  
P.O. Chandapur Mauza Pandea PS Chandapur in the District  
of Kamrup Assam belongs to Mischi (Harigan) 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 Gabardham P.O. Chandapur in the District of  
Kamrup Assam.

Signature.....

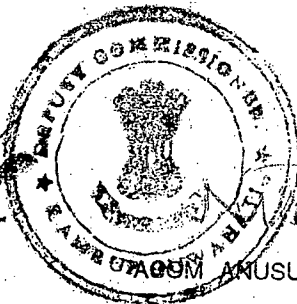
Designation.....

(Seal)

Place.....

Date.....

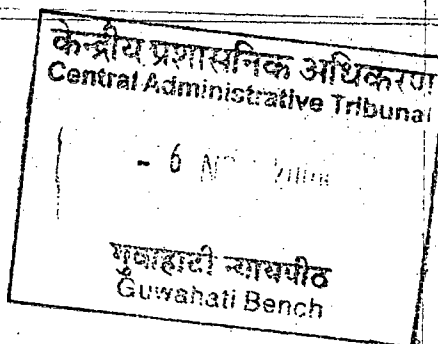
Counter signed



President

ANUSUCHITA JATI PARISAD.

Assam



ATTESTED

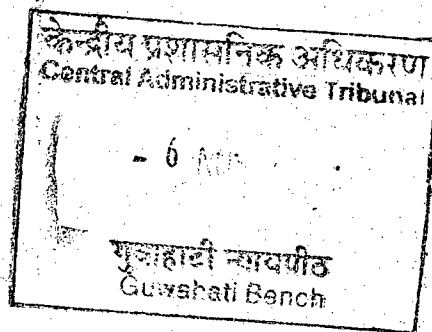
ADVOCATE

2. 1878 1879

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১৯৩৫ খ্রিঃ (১৩৪২)।  
 উক্ত মাসেই নব্বাতি-তিনতম দিনে  
 গুরু ভগবান কবিরাজ কামতী ২য়। ৩য় অর্জুন  
 নামে অধিষ্ঠিত হইলেন। গুরুভগবান কামতী  
 অতি কষ্টকর হইলেন। গুরুভগবান কামতী  
 ২য়-৩য়। ৩য় অর্জুন কামতী কামতী  
 কামতী ২য় ৩য় ২য়

3/6/2018



8/2/2000

ATTESTED

**ADVOCATE**



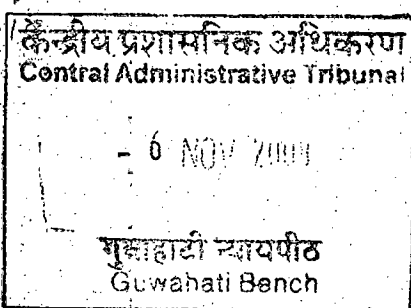
ক্রমিক নং - ২১

## বিদ্যালয়ৰ প্ৰমাণ পত্ৰ

শ্ৰী অমিত কুমাৰ দেৱা  
 পিতা শ্ৰী মুন্ড বনোৱাৰা  
 গাওঁ গোৱাৰ্হাৰা পাৰোপাৰ্শ্ব থানা স্বাগতভোতাতিষপুৰ  
 মহকুমা স্বাগতভোতাতিষপুৰ জিলা কাৰ্ব্বাস : আমৰ (ভূমি)  
 এওঁ পাৰোপাৰ্শ্ব প্ৰাথমিক / মজলীয়া বিদ্যালয়ত  
 পঢ়িছিল। ইং ১৯৭৭ চনৰ ডিচেম্বৰ মাহৰ ৩১ তাৰিখত  
 এই বিদ্যালয়ত তেওঁৰ শিক্ষা শেষ হ'ল। তেওঁ এই বিদ্যালয়ৰ শ্ৰেণীৰ পৰীক্ষাত উত্তীৰ্ণ হৈছে।  
 হোৱা নাই। বিদ্যালয়ত থকা কালত তেওঁৰ স্বভাৱ-চৰিত্ৰ ভাল আছিল / নাছিল। ইং ১৯৭৭  
 চনৰ ১ জানুৱাৰীত তেওঁৰ বয়স ভৰ্তি বহী মতে ০৯ বছৰ ০৬ মাহ ৪  
 দিন ৪।

স্বাগতভোতাতিষপুৰ  
 প্রধান শিক্ষক ২০/৩/৭৭  
 Garo Gnan L. P. School  
 গোৱাৰ্হাৰা পাৰোপাৰ্শ্ব পাৰোপাৰ্শ্ব বিদ্যালয়।

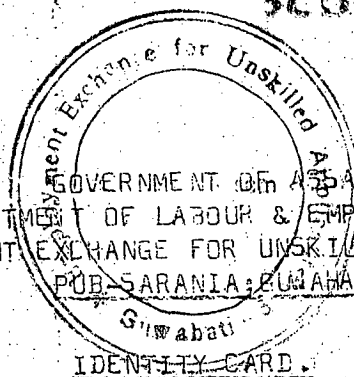
তাৰিখ - ২০



স্বাগতভোতাতিষপুৰ মহকুমা।  
কাৰ্ব্বাস জিলা।

ATTESTED  
  
 ADVOCATE

Subscribed (Rule)



X-10 (B)

GOVERNMENT OF ASSAM  
DEPARTMENT OF LABOUR & EMPLOYMENT  
EMPLOYMENT EXCHANGE FOR UNSKILLED APPLICANTS  
POB-SARANIA: GUWAHATI-3

IDENTITY CARD

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.

Employment Officer,  
Employment Exchange for Unskilled  
Applicants, Guwahati-3.  
Guwahati-3

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
- 6 -  
गुवाहाटी न्यायपीठ  
Guwahati Bench

ATTESTED  
ADVOCATE

জায়, চব্বিশ  
১-কক বাহর চব্বিশ চকুবিবাহ কার্যালয় ::::::::::: নবীশাহেদি ।

নং ২৬-৬

তার ৭/৩/২০০০



যাৰ তেওঁৰ পুৰোহ

পুৰণি নং দিয়া হয় যে আমাৰ মোজাব মোজাব ন

গাওঁবন্দী/মুখলী আমাৰ দুই-

শ্রী/মহা/স্বামী ১) অজয় কাম ব ১৯৯৮ - ৯৯ চনৰ

আৰু আনলৈ কৃষি/কৰ্মাণ্য/দিশাখিৰাৰ দ্বাৰা দোহা নকিয়াতৰ বহুদৈনিকা পায়

মানসনিক ১৬, ১৯৯৮ (চুই ২২৫১২ ১৯৯৮) টকা ধাৰী কৰা হ'ল ।

১৬  
১৯৯৮  
১৯৯৮

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
- 6 NOV 2008  
গুৱাহাটী ন্যায়ালয়  
Guwahati Bench

ATTESTED

ADVOCATE

কুমার কাম



অসম চৰকাৰ  
চন্দ্ৰপুৰ ৰাজহ চক্ৰ চক্ৰ বিষয়াৰ কাৰ্য্যালয় ::::: পানীখাটেটি

নং ০০

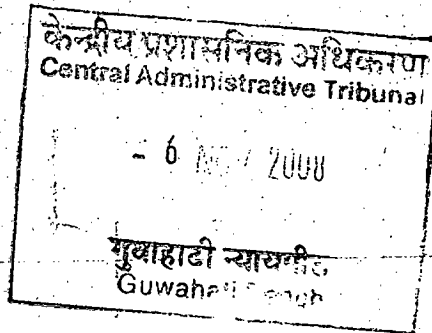
তাৰিখ :- ০৮/১২/২০০৮

যাৰ ক্ষেত্ৰত প্ৰযোজ্য



প্ৰমাণপত্ৰ দিয়া হয় যে যাহা যোজাৰ গোৱৰ্হন গ্ৰাণ্ট গাওঁৰ  
প্ৰতিষ্ঠাপক বুদ্ধ য দেৱী স্বামী হুত জৰ্জৰ ৰায়ৰ ই চক্ৰ যাহা যোজাৰ ৪ নং লাটেৰ  
অন্তৰ্গত গাওঁ সমূহত নথি দ্ৰষ্টে বোৱনো লাটি থকা দেখা নাযায়।  
উক্ত প্ৰমাণপত্ৰ লাটে যন্তনৰ প্ৰতিবেদনৰ ওপৰত দিয়া হ'ল।

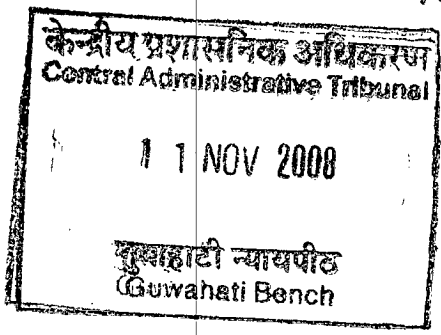
চন্দ্ৰপুৰ ৰাজহ চক্ৰ  
পানীখাটেটি



ATTESTED

ADVOCATE

Handwritten signature at the bottom left corner.



(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 maintenance the five children without late Arjun Ram. Therefore it would be good for her if she get some help.

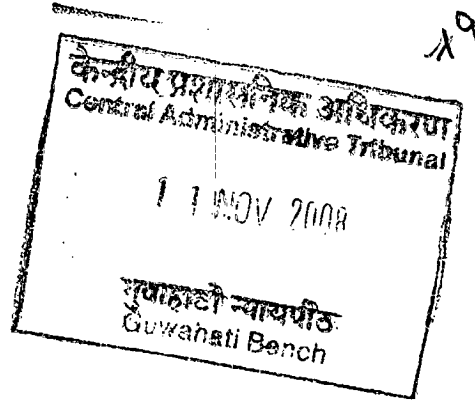
Certificate is issued for her success in life.

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

*Translated copies filed on 11.11.2008.*

*Nuruddin Ahmad*  
*Advocate*  
*11.11.08*

*Attested*  
*(Signature)*  
*Advocate*



(TRANSLATED COPY)

SCHOOL CERTIFICATE

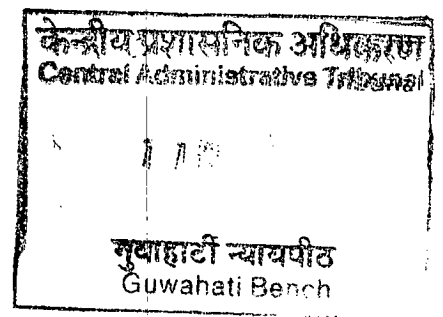
Smt.Kusum Devi Daughter of Late Bolo Ram Resident of Village Gobardhan Garogaon, Police Station- Pragjyotishpur, Sub-division- Pragjyotishpur in the district of Kamrup (Assam) has studied in the Primary Garogaon School. She had completed her studies on the 31st day of December 1977. She has passed Class 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.

Attested  
by  
Associate

- 15 -



(TRANSLATED COPY)

Govt. of Assam

Office of the Circle Officer

Panikhaity

Sl.No.286

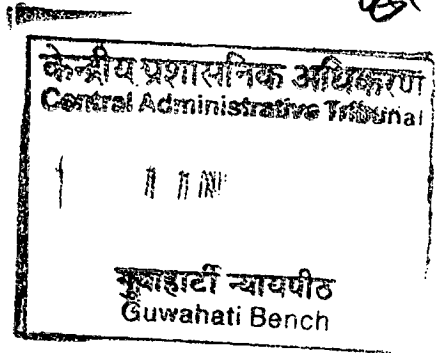
Dated- 07.01.2000

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

Attested  
(Signature)  
Associate



(TRANSLATED COPY)

Govt. of Assam

Office of the Chandrapur Revenue Circle Office: Panikhaity

Sl. No.10

Dated 11.02.2000

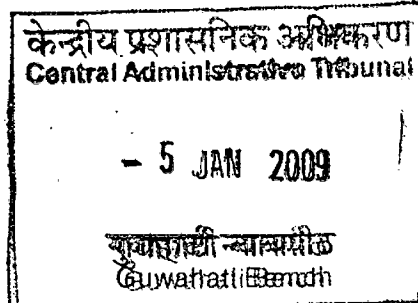
TO WHOM IT MAY CONCERN

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.

*Adroate*  
*Adroate*



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  
AND

..Applicant.

UNION OF INDIA & ORS

.....RESPONDENTS

**REPLY TO THE EXECUTION PETITION SUBMITTED BY THE  
RESPONDENTS**

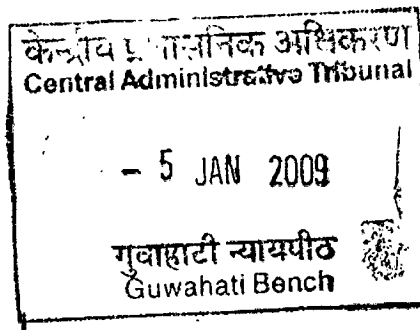
**I N D E X**

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. Ahn  
27.01.09



Filed by  
the respondents through  
Aleha Das  
Addl CHSC  
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

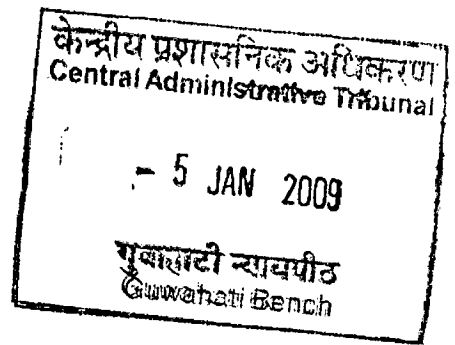
IN THE MATTER OF <sup>to be</sup>  
Reply to the Execution Petition filed by the  
respondents.

- 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.

admitted  
C.K. (Smta)  
C.K.

Received by  
N. Ahn  
Advocate  
27-01-09

- (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~~ <sup>for</sup> her appointment on compassionate grounds in any Group 'D' post under the respondents.



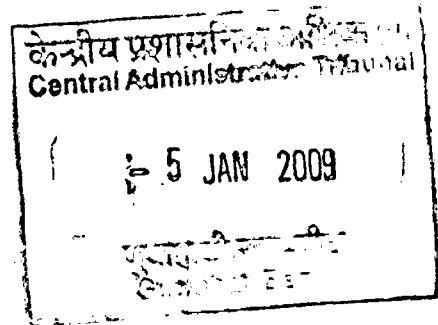
- (b) That the respondents filed their detailed Written Statements in the above noted Original Application.
- (c) That the Hon'ble Tribunal after hearing to the parties to the proceeding was pleased to dispose of the OA No. 34/2006 on 07.12.2006 directing the applicant to file a comprehensive representation 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 of 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

*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:-**

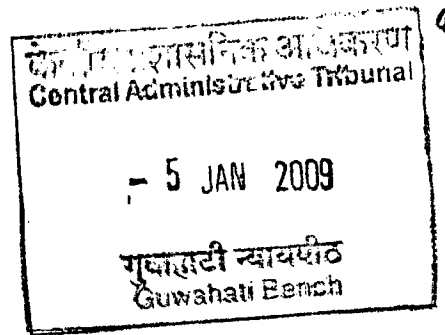
- 3) That with regard to the statement made in paragraph 1 and 2 of the EP, the respondents beg to offer no comment.
- 4) That with regard to the statement made in paragraph 3 of the EP the respondents beg to submit that the fresh representation dated 26.2.2007 was received by the competent authority 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 dispose<sup>1</sup> 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

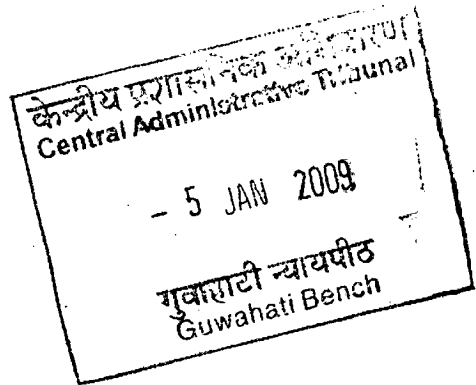
marked



- (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-~~A~~.<sup>3</sup>

- (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



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

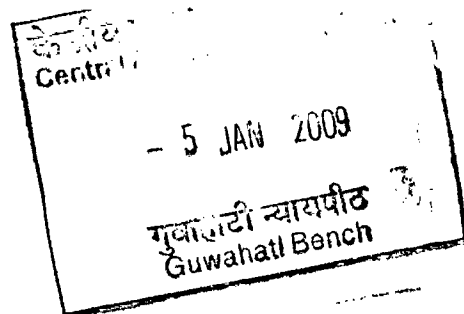
A copy of the letter dated 16.4.2007 is annexed herewith and marked as Annexure- 4.

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

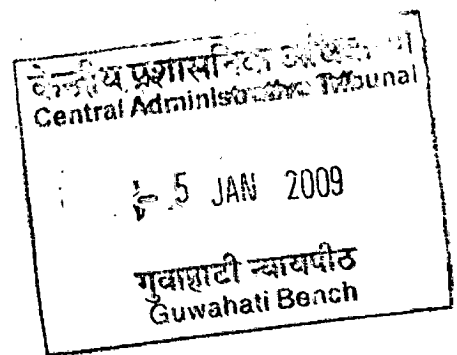


Anusuchita Jati Parishad. However the caste certificate in respect of the applicant is required to be obtained from Bihar, where from her husband originally belonged, as per home address endorsed in the service book of her husband, Late Arjun Ram, that is, Vill & P.O. – RODWIL, Dist- Munger (Bihar), 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.

*muher*



- 7 -

**AFFIDAVIT**

I Shri Colonel CK Bose  
at present working as Station Staff Officer (A)  
at Station Cell, HQ 51 Sub Area, Naranyi Military Station who is  
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, 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 19-th day of Jan, 2009 at

Identified by

**DEPONENT**

कनल

Col

एस एस ओ (ए)

SSO(A)

स्टेशन सेल मुख्यालय 51 सब एरिया

Station Cell HQ 51 Sub Area

Annexure - 1  
20

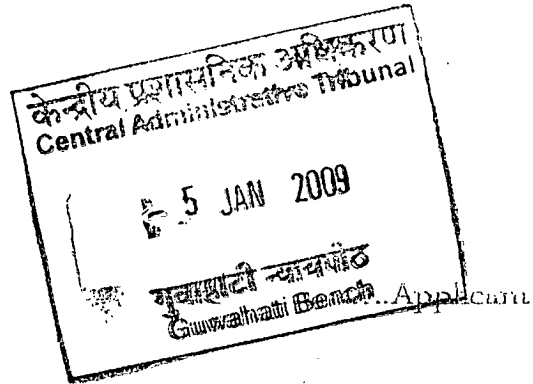
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 34 of 2006.

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

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

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



By Advocate Mr A. Ahmed

Versus -

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

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

.....Respondents

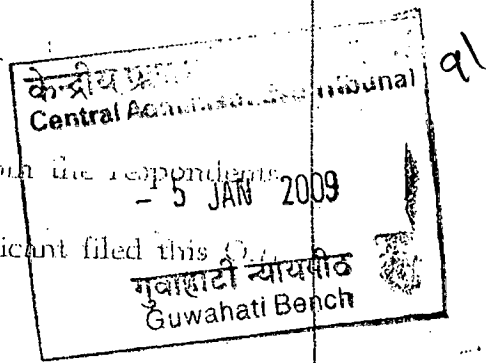
By Miss Usha Das, Addl.C.G.S.C.

ORDER (ORAL)

K.V.SACHIDANANDAN, (V.C)

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

✓



documents but she has not received any reply from the respondents.

Therefore, aggrieved by the said in action the applicant filed this O.A.

seeking the following reliefs :

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

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

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

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

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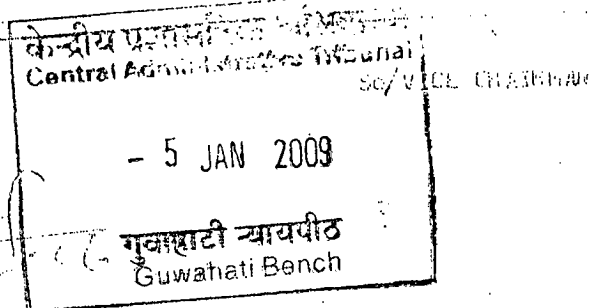
NRS- BASWDEA. But Mrs Kustum Devi, Wife of Late Arjun Ram (Ex Token No. 53, Conservancy Safaiwala has given her home address as under- Vill NIZCOBARDHAN, PS-CHANDRAPUR, Dist Kamrup, Assam. This Headquarters has been insisting on her to produce required documents from her husband's native place, Bihar 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.

Counsel

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



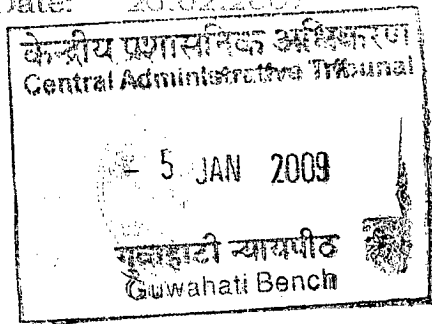


Annexure - 2 d

Date: 26.02.2007

To,

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-Cnsy Safaiwala, who had served under you. My husband Late Arjun Ram, was expired on 8<sup>th</sup> 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 Cnsy-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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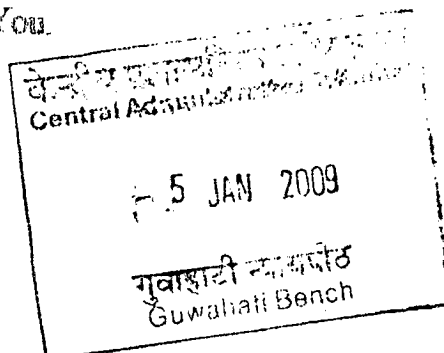
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per Rules within a time frame of four months from the date of receipt of the representation.

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 \, Ex-Consy Safaiwala  
Station Head Quarter  
Narengi Camp, Narengi  
P.O. - Satgaon  
Guwahati-27.

Signature

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Ammeam - 3  
Tele Mil : 6242/6244

Station Cell  
HQ 51 Sub Area  
C/O 99 APO

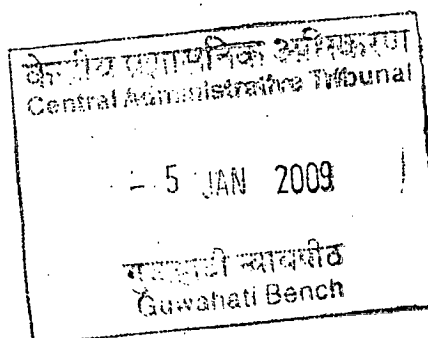
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Mar 2007

Smt Kinsun Devi  
W/O Late Arjun Ram  
Ex-Conservancy Sfairwala  
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/certificates forthwith for further action.



(Bhikshu)  
Lt Col  
SSO  
For Adm Comm

pc das/\*

02/3/07

*pc das*

पुश्पासनविभागी (अभियोग) की  
 इस क्वार्टर 51 अवर कोर्ट  
 मार्किट: 93 इन्फोर्मेशन  
 दिनांक: 16-1-2009

विषय: विनिर्देशित अभियोग  
 Central Administrative Tribunal

- 5 JAN 2009

सेवा में  
 श्रीमान श्री विनीत कुमार शर्मा  
 श्रीमान श्री विनीत कुमार शर्मा  
 मेरी पत्नी श्री स्वर्णाक्ष अर्पण शर्मा  
 नं० 53 का पत्नी हैं। मेरी पत्नी का जन्मदिन 10-10-1978  
 स्वर्णाक्ष अर्पण शर्मा हैं। आपने पत्रिका में 27-1-2009  
 से अपने पुत्र विनीत कुमार शर्मा का नौकरी के  
 आवेदनपत्र को जमा करा रखा है।  
 अतः श्रीमान श्री विनीत कुमार शर्मा को आपने पत्रिका  
 में आधुनिक पर मेरी पत्नी विनीत कुमार शर्मा को  
 देने का लिए आवेदनपत्र को जमा करा रखा है।  
 पदोन्नति करें:-

श्रीमान

- (क) आर्य प्रमाण - पत्र
- (ख) एंग्लो इंडियन
- (ग) निवास प्रमाण - पत्र
- (घ) अनुयायि प्रमाण पत्र
- (ङ) निष्कल प्रमाण - पत्र
- (च) निवास प्रमाण - पत्र
- (छ) आइएएस सचिव विवेक
- (ज) कमिश्नर सचिव - विवेक

दस्तावेज

श्रीमान श्री विनीत कुमार शर्मा

श्रीमान श्री विनीत कुमार शर्मा  
 पत्नी स्वर्णाक्ष अर्पण शर्मा  
 निवासी नं० 53  
 गांधी - पत्नी अर्पण शर्मा  
 पत्नी स्वर्णाक्ष अर्पण शर्मा

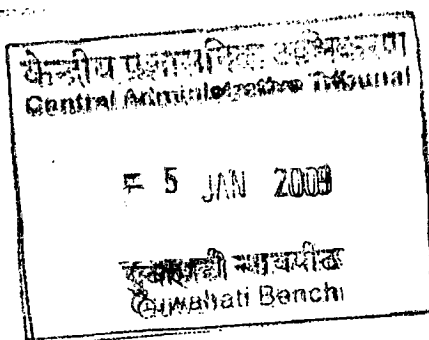
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**STATION CELL, HQ 51 SUB AREA : CIV ESTABLISHMENT****EMPLOYMENT ON COMPASSIONATE GROUND IN RESPECT OF  
SHRI VINOD KUNAR RAM, SON OF LATE ARJUN RAM,  
CONSERVANCY SAFAIWALA**

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 SIn 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
(k)	Employment Exchange Card	-	03 Set
(l)	Age certificate/Educational qualification certificate	-	03 Set
(m)	Photocopy of PRC	-	03 Set
(n)	Photocopy of Diploma in Computer	-	03 Set



(M) Ramchandran  
Col  
Adm Comdr

Encls : As above

'GS' Branch, HQ 51 Sub Area.

py das:\*

*(Signature)*

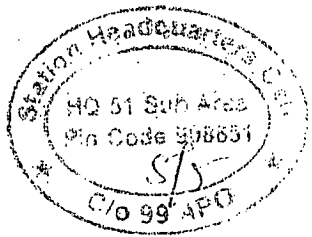
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Annexure 14

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HQ 51 Sub Area  
PIN-908831  
C/O 99 APO



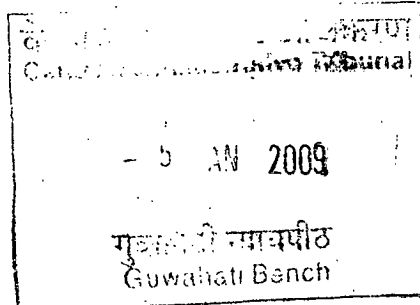
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HQ 101 Area GS(SD)  
C/O 99 APO

17 Mar 08

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(Cps)  
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

Annexure

Enclosures: - 1