

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

29.01.2014

OA No. 114/2013 with MA 389/2013

Mr. Rameshwar Sharma, Counsel for applicant.
Mr. D.C. Sharma, Counsel for respondents.

Heard learned counsel for the parties. The OA as well as
MA are disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 114/2013
WITH
MISC. APPLICATION NO. 389/2013

Jaipur, the 29th day of January, 2014

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Jyoti Pareek wife of Late Shri Kamlesh Kumar Pareek, aged about 47 years, resident of A-2, Kamlesh Kunj, Mansingh Pura, Tonk Road, Jaipur.

... Applicant

(By Advocate: Mr. Rameshwar Sharma)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Mines, Shastri Bhawan, New Delhi.
2. The Director General, Geological Survey of India, 27, J.L.N. Road, Kolkata (W.B.).
3. The Dy. Director General, Geological Survey of India, Western Region, 15-16, Jhalana Doongari, Jaipur.

... Respondents

(By Advocate: Mr. D.C. Sharma)

ORDER (ORAL)

The applicant has filed this OA claiming for the following reliefs:-

- "(i) By an appropriate order or direction the impugned order dated 06.07.2012 be declared as illegal and quashed and set aside.
- (ii) By an appropriate order or direction the respondents may be directed to consider the case of the applicant for the compassionate appointment looking to the indigent family circumstances of the applicant.
- (iii) Cost of the application may also kindly be awarded to the poor applicant; and

Any other order or direction which this Hon'ble Tribunal deems fit and proper may also kindly be passed in the favour of the applicant in the larger interest of the equity justice and law."

Anil Kumar

2. The brief facts of the case are that the husband of the applicant, Shri Kamlesh Kumar Pareek, died on 27.04.2009 while in service. He was working as Driver in the office of respondent no. 3.

3. The applicant looking to the indigent condition of her family applied for compassionate appointment on 04.04.2011. She was called for interview by respondent no. 3. Further Police Verification was also done but then the matter was not process further.

4. The applicant filed an OA No. 277/2012 before this Tribunal. The Tribunal directed the respondents to decide the legal notice by passing a speaking & reasoned order. The respondents have decided the legal notice by a speaking order dated 06.07.2012 (Annexure A/1). The last Para of the speaking order dated 06.07.2012 (Annexure A/1) is quoted below:-

"All the cases of compassionate appointment including that of Smt. Jyoti Pareek are under process and final decision will be communicated to Smt. Jyoti Pareek on receipt of clarification from CHQ, Kolkatta. This is in compliance of the directions passed by the Hon'ble CAT in OA No. 277/2012."

5. Being aggrieved by this order of the respondents, the applicant has filed the present OA.

6. Heard the learned counsel for the parties and perused the documents on record.

Anil Kumar

7. The learned counsel for the respondents at the outset submitted that this OA can be decided in terms of the order passed by this Tribunal in OA No. 492/2012 decided on 21.08.2013 (**Parmeshwar Meena & Another vs. Union of India & Others**). The learned counsel for the applicant also agreed with the submissions made by the learned counsel for the respondents. In the OA No. 492/2012 (Supra), the Director, Geological Survey of India, Kolkatta, was given certain directions and it was also directed to reconsider the case of the applicant in that OA.

8. Para Nos. 22 to 28 of the order passed by this Tribunal in OA No. 492/2012 decided on 21.08.2013 (**Parmeshwar Meena & Another vs. Union of India & Others**) are quoted below:-

"22. Therefore, in the interest of justice, the respondent no. 2, the Director, Geological Survey of India, Kolkatta, (correct nomenclature being Director General) is directed to examine whether the vacancy for compassionate appointment existed on the date of the meeting of the committee for compassionate appointment and to decide this issue by passing a reasoned & speaking order according to the provisions of law within a period of two month from the date of receipt of a copy of this order.

23. Director General, Geological Survey of India is also directed to consider the provisions of Clause 18(d) of the DOPT OM No. 14014/02/2012-Estt. (D) dated 16.01.2013 while deciding this issue.

24. While deciding this issue, the Director General, Geological Survey of India will also consider the law laid down by the Hon'ble Supreme Court in the cases of Balbir Kaur & Another vs. Steel Authority of India & Others (Supra) and Director General of Posts & Others vs. K. Chandrashekhar Rao (Supra).

25. It is made clear that the applicant would not be denied appointment on compassionate grounds merely on the ground that this case has been pending for more than three years with the respondents. Clause 8 of DOPT OM

Anil Kumar

No. 14014/02/2012-Estt.(D) dated 16.01.2013 provides that any application for compassionate appointment is to be considered without any time limit and the decision taken on merit in each case.

26. The applicants will be at liberty to redress their grievances by filing a substantive OA if any adverse order is passed against them by the respondents.

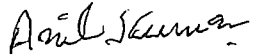
27. Since the OA is being decided ex-parte, the Registry is directed to send a certified copy of this order to the applicant by Registered AD/Speed Post.

28. With these observations and directions, the OA is disposed of with no order as to costs."

9. The similar directions are issued to the respondents in the present OA.

10. With these observations and directions, the OA is disposed of with no order as to costs.

11. In view of the order passed in the OA, MA No. 389/2013 for deleting the name of respondents nos. 1 & 2 is dismissed.


(Anil Kumar)
Member (A)

AHQ