

10/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

SA No. 214/96

Smt. Kaman Hazowary Applicant(s)

VS.

Union of India & Ors. Respondent(s)

Mrs. B.B. Gogoi U.C. Jm. Advocates for the applicant(s)

Mr. S. Ali & Ors. Advocates for the Respondent(s)

Office Notes

Date

Courts' Orders

This application is in  
form and within time.

C. F. of Rs. 50/-

deposited vide

IPOBD No. 444297

Dated 24.10.96

*S. Ali*

Dy. Registrar.

25/10/96

25/9

4-10-96

Learned counsel Mr. B. B. Gogoi  
for the applicant. Learned Sr. C. G.  
S. C. Mr. S. Ali for the respondents.

This application has been sub-  
mitted by the applicant seeking an  
order to the respondents to give  
compassionate appointment to her  
in view of the financial difficul-  
ties she is facing after the death  
of her husband Shri Naren Hazowary  
who was working as R/M in the office  
of Telecom District Manager,  
Kamrup, Ulubari, Guwahati.

Heard counsel of both sides.  
It is considered that it is not  
necessary to admit this application  
at this stage as the representation  
dated 8-4-96 submitted by the appli-  
cant to the S.D.E. (Admn) office of  
the T.D.M., Kamrup, Ulubari, Guwa-  
hati has not been disposed of. This  
application is therefore disposed  
of with a directions to the respon-  
dents No. 3, the Telecom District  
Manager, Kamrup, Guwahati to dis-  
pose of <sup>the</sup> representation dated  
(Annexure II)  
8-4-96 <sup>this</sup> within one month from the  
date of receipt of this order by  
a speaking order.

The applicant is at liberty  
to approach this Tribunal after  
that if so desires.

Application is disposed of.

contd/-

O.A. 214/96

4-10-96

No order as to costs.

Copy of this order be furnished to the counsel of the parties.

Comply order dated 4.10.96.

W 7/10/96.

lm  
W 7/10

Member 4/10/96

14.10.96

Copy of the order issued to the parties vide D.No. 3483 to 3489.

Done on 15/10/96.

sh  
14/10

2/10

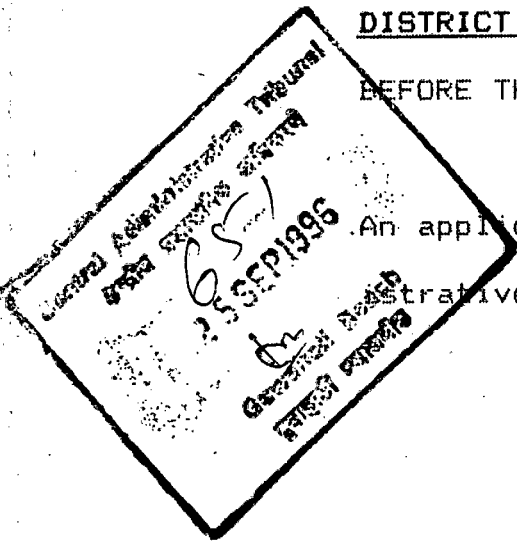
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Kanan Das Hazowary

DISTRICT:KAMRUP

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI  
BENCH.

An application under Section 19 of the Central Admin-  
istrative Tribunal Act 1985.



D.A. No. 214 of 1996.

Smti. Kanan Hazowary

... Petitioner.

-Versus-

Union of India & Ors.

... Respondents.

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Filed by -

Advocate.

Filed by  
U. C. Jais.  
Advocate  
24-9-96.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI  
BENCH.

BETWEEN

Smti. Kanan Hazowary,  
wife of late Naren Hazowary  
Kharghuli, Luitpur, Guwahati-4,  
Assam.

...APPLICANT.

-AND-

1. The Union of India. Represented by the Secretary Ministry of <sup>Tele</sup> Communication Sansar Bhaban - New Delhi
2. The Director General,

Telecommunications, Sansar  
Bhaban, New Delhi.

3. The Telecom District Manager,  
Kamrup Telecom District,  
Ulubari, Guwahati-7.

4. The Divisional Engineer (Admn.)  
Office of the T.D.M. Kamrup,  
Ulubari, Guwahati-7.

...RESPONDENTS.

DETAILS OF APPLICATION

1. Particulars of the applicant.

(i) Name of the Applicant :- SMTI. KANAN HAZOWARY.

Contd...2.

Kanan Das Hazowary

- (ii) Name of the Husband :- Late Naren Hazowary.
- (iii) Age of the Applicant:- 28 years.
- (iv) Designation and Particulars of office (names and station) in which employed, or was last employed before ceasing to be in service. :- Does not arise.
- (v) Office Address :-
- (vi) Address for service : Kharghuli, Luitpur, of notice. Guwahati-4, District Kamrup, Assam.

2. Particulars of the Respondent:-

- (i) Name of the Respondents. :- 1. Union of India.
- General*
2. Director, Telecommunications. Sansar Bhaban New Delhi. *ur*
3. The Telecom, District Manager, Kamrup Telecom District, Ulubari, Guwahati-7.
4. The Divisional Engineer (Admn.) Office of the T.D.M. Kamrup, Ulubari, Guwahati-7.
- (ii) Name of the Father/ Husband.
- (iii) Age of the Respondent-
- (iv) Designation and particulars of Office (name and Station) in which employed.
- (v) Office address :-
- (vi) Address for service :- 1. Union of India.
- General*
2. Director, Telecommunications. Sansar Bhaban New Delhi. *ur*
3. The Telecom District Manager, Kamrup, Telecom district, Ulubari, Guwahati-7.

Kanan Das Hazowary

3.

3. Particular of the Order :-  
against which application  
is made.

The application is against the following:-

- (1) Order No. -
- (11) Date
- (111) Passed by
- (1v) Subject in brief :- The husband of the applicant Late Naren Hazowary was working as R/M in the Deptt. of Telecommunication who died in harness on 14.9.75 due to C.R. failure. There is no earning member in her family. So, the applicant prayed for appointment on compassionate ground in a Group 'D' post.

4. Jurisdiction of the Tribunal:-

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation:-

The applicant further declares that the application is within the Limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the Case:-

1. That the husband of the applicant late Naren Hazowary was a R/M in the Telecommunication Department under Assam Telecom Circle in the Office of

Contd...4.

Kanau Das Hazowary

the Sub-Divisional Officer Phones (East-1) Ambari, Guwahati-1. He dies in harness due to C.R. failure on 14.9.95.

A copy of the certificate issued by the Registrar, Birth and deaths, Guwahati Municipal Corporation to this effect is enclosed herewith as ANNEXURE-'I'.

II. That the applicant submits that at the time of death her husband left the following heirs :-

1. Smti. Kanan Hazowary (wife) 28 yrs.
2. Miss Lina Hazowary (daughter) 8 yrs.
3. Miss Kanmani Hazowary (daughter) 6 yrs.
4. Sri Sonjyoti Hazowary (son) 4 yrs.
5. Sri Runjyoti Hazowary (son) 4 yrs.

III. That, there is a provision for appointment on compassionate ground to a son or daughter of near relative of a Government servant who dies in harness including death by suicide, leaving his family in immediately need of assistance, when there is no other earning member in the family. Instructions have been issued from time to time laying down the principles to be followed in making compassionate appointments of sons/daughters /near relatives of deceased government servants.

Contd...5.

Kanan Day Hazowary

IV. That the humble applicant submits that except this applicant all others are minor <sup>in the deceased's family.</sup> They are not illegible to do Govt. job. *Waz*

V. That the applicant submits that she was read upto class VIII. As per rule for the post of Group 'D' in case of widow for appointment on compassionate ground it is said Rule - 4(d) "where a widow is appointed on compassionate ground to a Group 'D' post, she will be exempt from the requirements of educational qualifications, provided the duties of the post can be satisfactorily performed without having the educational qualification of Middle standard prescribed in the recruitment Rules.

VI. That the applicant submits that on 8.4.96 the applicant submit an application before the S.D.E. (Admn.) office of the T.D.M. Kamrup, Ulubari, Guwahati -7 for her appointment on compassionate ground as Group 'D' post (Grade-IV) and also she requested her department's authority now and than. But till date the telecom authority did not pay heed to appoint the petitioner on compassionate ground.

A copy of the application dt. 8.4.96 is enclosed herewith as ANNEXURE-'II'.

VII. That the applicant submits that there is no other earning member in the family of the applicant. With four minor children applicant is the only

Contd...6.

Kamran Das Hazroo

6.

earning member if the applicant will be not provided by a job the whole family will be doom.

7. Details of the remedies exhausted:-

The applicant declares that she has availed of all the remedies available to him under the relevant service rules etc.

The applicant submitted an application before the S.D.E. (Admn.) Office of the T.D.N. Kamrup, Ulubari, Guwahati-7, through the S.D.E. (E-1) Guwahati dated 8.4.96 but till date the S.D.E. (Admn.) did not consider her application.

8. Matters not previously filed or pending with any other court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

9. Relief(s) Sought:-

In view of the facts mentioned in para 6 above the applicant prays for the following relief(s):-

Contd...7.

Kanun Das Hengoo

1. That the applicant is the wife of Late Naren Hazowary R/M in the office of the S.D.E.(E-1) Guwahati under T.D.M. Kamrup, Guwahati in the Department of Tele Communications who dies in harness on 14.9.95 due to C.R. failure. There are no earning member in the family except this petitioner with four minor children.

The humble applicant prays that this Hon'ble Tribunal is kind enough to direct the Respondents to appoint the applicant in a Group 'D' post (Grade-IV) on compassionate ground.

10. Interim Order, if any prayed for:-

Pending final decision on the application, the applicant seeks issue of the following interim order -

11. Does not arise.

12. Particulars of postal order in respect of the application fee:-

1. Number of Indian Postal Order(s) - 1144429
2. Name of the issuing post office - Guwahati
3. Date of issue of Postal order(s) - 24-9-96
4. Post office at which payable - Guwahati

13. List of enclosures:-

1. O. A Petition
2. Annexure - 1
3. Annexure - II
4. vakalat nama.

Kanan-Das Hazowary

VERIFICATION

I, Smti. Kanan Hazowary wife of Late Naren Hazowary aged about 28 years ~~working as~~ ~~in the office~~ of ~~resident of~~ Kharghuli, Luitpar, Guwahati-4, do hereby verify that the contents of paras 1 to 11 are true to my personal knowledge and para <sup>6(1), 6(11) and 12</sup> to be believed to be true on legal advice and that I have not suppressed any material fact.

Date 24-9-96

Place, Guwahati.

*Kanan Das Hazowary*  
Signature of the Applicant.

## ANNEXURE-'I'

(Translated from Assamese)

Govt. of Assam

Social Welfare Form No. 10  
 Death Certificate 1227

This is to certify that following datas are collected from the Register of Guwahati Municipal Corporation District Kamrup of 1995 October month.

Name : Naren Hazowary.

Male/Female : Male.

Date of Death : 14th September, 1995

Nationality : Indian.

Place of Death: Borthakur Clinic Pvt. Ltd. Guwahati.

Peranent Address : Kharghuli, Guwahati 4.

son of Sukura Hazowary,

Registration No. 2857

Date of Registration -9.10.95.

Signature :-

Designation Sd/- D.C.Chowdhury,

Registrar,

Birth & Death, Guwahati

Municipal Corporation,

16.10.95.

D.A.R.Basumatary,

Chief Registrar's Signature.

Alister  
 LWS  
 (Ad verent)

## ANNEXURE-'II'

To

The S.D.E. (Admn.)  
Office of the TDM, Kamrup,  
Ulubari, Guwahati-7.

Through S.D.E. (E-1) Guwahati -1)

Sub:- Application for the appointment in any post  
in compassionate Ground.

Dt. 8.4.96.

Sir,

Most respectfully I beg to state that the petitioner is an widow of late Naren Hazowary who expired on 14.9.95 due to C.R. failure and he was working as R/M in the Department of Telecommunication.

That sir, I am suffering a lot with my four child of minor aged. First wife of my husband Smti. Jaya Hazowary already received all pensionery benefits and other money from the authority.

That sir, my husband Sri Naren Hazowary has left the following family members :-

1. Smti. Kanan Hazawory (wife) 24 yrs.
2. Smti. Sina Hazawary (daughter) 10 yrs.
3. Smt. Kanmani Hazawari (Daughter) 6 yrs.
4. Sanjyoti Hazawary (son) 4 yrs.
5. Rupjyoti Hazowary (son) 4 yrs.

Contd...11.

Attested  
by  
(Advocate)

That sir, there is no any earning member in my family.

It is, therefore, humbly prayed that Your Honour may kindly be appoint the petitioner in any post so that my family can save from the present storm.

And for this act your petitioner ever grateful to you.

Yours faithfully,

(Kanan Hazowary)

wife of Naren Hazowary

Kharghuli, Luitpar,

Guwahati-4.

Dt. 3.4.96.

*Alstro  
Naren  
(Adwvati)*