

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.NO.3349 OF 2015

New Delhi, this the 26th day of May, 2017

CORAM:

HON^{BLE} SHRI RAJ VIR SHARMA, JUDICIAL MEMBER

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Smt. Sunita,
Aged 39 years,
w/o late Sh.Sanjay,
R/o H.No.3, Gali no.1,
Village Dabri,
Post Office Palam,
New Delhi 110045

í í í í Applicant

(By Advocate: Ms.Deepali Gupta)

Vs.

Secretary,
New Delhi Municipal Corporation,
Pallika Kendra,
Sansad Marg,
New Delhi

í í í í í Respondents

(By Advocate:Sh.Vaibhav Agnihotri)

ORDER

I have perused the records, and have heard Ms.Deepali Gupta, the learned counsel appearing for the applicant, and Mr.Vaibhav Agnihotri, the learned counsel appearing for the respondent.

2. Applicant-Smt. Sunita is the widow late Shri Sanjay. Late Shri Sanjay, who was working as Safai Karmachari, NDMC, Circle I, Health Department, NDMC, New Delhi, died in harness on 9.10.2008. After the

untimely death of her husband, the applicant submitted applications to the respondent for granting her terminal benefits and for providing her appointment on compassionate ground. There being no response, the applicant earlier approached the Tribunal, by filing OA No.887 of 2013. The Tribunal disposed of O.A. No.887 of 2013, vide its order dated 28.4.2014, the operative part of which is reproduced below:

ð5. In the circumstances, OA is disposed of with liberty to the applicant to complete the formalities mentioned in the letter No.1182 VSN/Health Dept.I dated 22.4.2014 within one month. On completion of the formalities, the respondents would release the terminal benefits due to the applicant and also to consider her claim for appointment on compassionate ground as per rules and procedure within further period of eight weeks.ö

2. In compliance with the Tribunal's order dated 28.4.2014, the applicant completed the required formalities, and the respondent released the terminal dues to the applicant. The respondent also engaged the applicant on Temporary Muster Roll as make shift arrangement for the time being w.e.f. 27.6.2014 to 1.3.2015 with intermittent breaks, and, thereafter, discontinued her engagement without any rhyme or reason.

3. As the applicant did not receive any communication from the respondent with regard to consideration of her case for appointment on compassionate ground in compliance with the Tribunal's order dated 28.4.2014 (ibid), information was sought by her under the RTI Act. On the basis of the information supplied by the PIO of the respondent under the RTI Act, it has been asserted by the applicant that the respondent has failed to place her case for compassionate appointment before the Sub-Committee

which met on 11.9.2014 and recommended 21 candidates for appointment on compassionate ground. As a consequence, her case for compassionate appointment was not considered by the Sub-Committee which met on 11.9.2014, and the respondent has failed to fully comply with the Tribunal's order dated 28.4.2014(ibid). Therefore, the applicant has filed the present O.A. seeking the following reliefs:

- ð(i) Issue a writ/order directing the respondent to consider the case of applicant for grant of appointment on compassionate grounds as per the applicable rules and policies.
- (ii) Grant any other relief as may be deemed fit and proper under the facts and circumstances of the case.
- (iii) Costs of the proceedings may also be granted in favour of the applicant and against the respondents.ö

4. In paragraph 5 of the counter reply, the respondent has stated thus:

ð5. It is submitted that in furtherance of the direction issued by this Hon'ble Tribunal, the name of the Applicant was included in the draft/rough list prepared by individual department to be submitted to department for consolidation and submission before the Sub Committee for Compassionate Appointment. However, unfortunately it seems that in the compilation for and preparation of the final list which was submitted before the Sub Committee, the name of the Applicant was inadvertently missed out. For the said reason the name of the Applicant did not figure in the list submitted to the Sub-Committee for Compassionate Appointment for consideration.ö

From the above statement made by the respondent in the counter reply, it is clear that the applicant's case for compassionate appointment was not considered by the respondent, despite clear direction issued by the Tribunal

while disposing of OA No.887 of 2013, vide its order dated 28.4.2014. Furthermore, the respondent, vide its letter dated 20.10.2015(Annexure R-III), informed the applicant that öthe Competent Authority has accorded approval to place your case for Compassionate Appointment before the Sub Committee in its next meeting as and when it takes place in near future.ö

5. There is nothing on record to show that the meeting of the Sub Committee has been held on any date after issuance of the aforesaid letter dated 25.10.2015(ibid), or that the applicant's case for compassionate appointment has ever been considered by the Sub Committee/respondent.

6. In the above view of the matter, I direct the respondent to ensure that the meeting of the Sub Committee is held, and the case of the applicant, along with cases of other similarly placed persons, if any, is considered and appropriate decision is taken by the respondent as per rules/scheme for compassionate appointment within a period of three months from today. The decision to be taken in the matter shall be communicated by the respondent to the applicant also within the aforesaid stipulated period of three months.

7. Resultantly, the O.A. is allowed. No costs.

**(RAJ VIR SHARMA)
JUDICIAL MEMBER**

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