

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 100/3494/2014

This the 9th day of August, 2016

Hon'ble Mr. K.N. Shrivastava, Member (A)

PhoolWati (Age 42 years)
W/o LateShriMukesh Kumar(Safaiwala)
Quarter No.3, C.G.H.S. Staff Quarters,
Kidwai Nagar (E)
New Delhi-110023.

.... Applicant

(By Advocate: ShriRupesh Kumar with)

Versus

Union of India,
Through Secretary,
Ministry of Health and Family Welfare
CGHS (P) Wing, NirmanBhawan,
New Delhi.

.... Respondent

(By Advocate: ShriSubhashGosain)

ORDER(ORAL)

The applicant, through the medium of this OA, has prayed for grant of the compassionate appointment to her.

2. The brief facts of the case are as under:-

(a) The applicant's husband late ShriMukesh Kumar was working as a Safaiwala at CGHS dispensary, Pandara Park, New Delhi. He died in harness on 20.09.2002, leaving behind the widow

(applicant), three minor daughters and one son. The applicant applied for compassionate appointment on 14.11.2002 which came to be rejected by the respondents but no order of rejection was communicated to her as stated by the applicant.

(b) Vide Annexure R-1 letter dated 25.03.2009 the Director (Administration) informed the Add. Director/Jt. Director CGHS to take appropriate action pertaining to the rejection of applications as per the enclosed list. In the said list, the applicant's name is at Sl.No.67 (page 55 of the paper book).

(c) The applicant vide Annexure R-2 letter dated 07.11.2014 was informed by the Addl. Director (CGHS) to furnish information in the prescribed proforma for the consideration of her request for compassionate appointment.

(d) The applicant has stated that she has already furnished the requisite information in the prescribed proforma in pursuance of Annexure R-2 letter dated 07.11.2014.

3. Arguments of learned counsel for the parties heard today. The learned counsel for the applicant submitted that it would be appropriate if a direction is given to the respondents to dispose of the application of the applicant for compassionate appointment in a time bound manner.

4. Having regards to the submission made by the learned counsel for the applicant and also considering the fact that this poor and helpless applicant is craving for the compassionate appointment for a long time, I pass the following orders:-

i) Respondent is directed to consider the request of the applicant for compassionate appointment and pass an appropriate, reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. A copy of the order so passed shall be communicated to the applicant immediately thereafter.

ii) Applicant is directed to furnish any additional information which may be called for from her by the respondents for processing her case.

5. With the above directions, the OA is disposed of. No costs.

MA-2995/2014

In view of the order passed in the OA, the MA stands disposed of.

(K.N. Shrivastava)

Member(A)

/rb/

He stated that after disposal the relation the employee and employer between the government service to and as such the govt servant could not be entitled for any leave thereafter. He submitted that Rule 19 (1) basically talks of rule to credited account and embargo

I have carefully gone through the arguments of learned counsel for the parties and also perused pleadings. A close reading of Rule 19(1) make absolutely clear that in terms of the leave credited to the Govt. servant relates to the leave at which Govt. servant has earned during the course of his service. It is well understood that after the dismissal, removal or resignation from service , he would not earn any account of leave.I am therefore, of the view that Annexure A-1 conviction dated 30.04.2014 does not suffer without any infirmity and that the applicant is not entitled for leave encashment