

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/194/2018

Date of decision: 28.11.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

...

Poonam W/o Late Shri Paramjit Singh (Jr. Assistant, Engineering Department), aged 27 years, R/o House No.2587, Sector 20-C, Chandigarh, Group 'C'.

... APPLICANT

VERSUS

1. Union Territory, Chandigarh through its Advisor, U.T. Secretariat, Sector-9, Chandigarh.
2. Finance Secretary cum Secretary Engineering, Union Territory, Civil Secretariat, Sector-9, Chandigarh.
3. Chief Engineer, Union Territory, Civil Secretariat, Sector-9, Chandigarh.
4. Director, Social Welfare, Chandigarh Administration, Sector-17, Chandigarh.
5. Atish S/o Sh. Dharam Pal, H. No.560, Shiv Colony 9, Karnal, Haryana.

IIInd Address

H. No.2739, Dau Majra Colony Dadu Majra, Sector-14, Chandigarh-160014.

... RESPONDENTS

PRESENT: Sh. Rohit Seth, counsel for the applicant.
Sh. Gagandeep Singh Chhina, counsel for the respondents No.1 to 4.
None for respondent no.5.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. By means of present O.A., the applicant assails order dated 30.06.2015 (Annexure A-1), whereby her claim for appointment on compassionate ground has been rejected on the ground that she was not widow of the deceased employee.
2. Facts are not in dispute.
3. On the commencement of hearing, learned counsel for the applicant apprised this Court that the present applicant had earlier filed O.A. No.314/2015 which was disposed of vide order dated 4.1.2016 with a direction to the respondents to release family pension and other terminal benefits along with interest w.e.f. 06.02.2013 on account of death of her husband late Sh. Paramjit Singh after, rendering 22 years and 8 months service. That order became subject matter before the jurisdictional High court in CWP No.8613 of 2016 at the hands of Chandigarh Administration where at the first instance order of this Court was stayed and subsequently petition was dismissed vide order dated 26.10.2017 (Annexure A-11), whereby applicant was held entitled to 50% of the family pension being widow of the deceased employee w.e.f. 6.12.2013 with interest. With regard to remaining 50% of the family pension and question with regard to other retiral benefits has been kept open to be adjudicated by the Civil Court between Atish, son of the deceased and Ms. Poonam. Learned counsel submitted that once it has been held by the Court that applicant is widow of deceased employee, therefore, the impugned order be set aside and direction may be issued to the respondents to

reconsider the entire matter in the light of the fact that she was dependent upon deceased employee and has a right for consideration for appointment on compassionate grounds. He also submitted that in written statement a plea has been raised by the respondents that Atish son of deceased employee was born out of first wedlock, is also claiming appointment on compassionate grounds. However, after legal divorce between deceased and his wife, custody of the Atish has been given to his wife, who has subsequently remarried, therefore, he cannot be said to be dependent upon the deceased employee.

4. Learned counsel for the respondents agree to the fact that writ petition at the hands of Chandigarh Administration against order of this Court has been decided in favour of the applicant herein.
5. In view of the above, we are left with no option but to quash the impugned order and remit the matter back to the respondents to reconsider the case of the applicant for appointment on compassionate grounds in terms of the policy, if she is found to be dependent upon the deceased employee and entitled for benefit as per the rules and law. The above exercise may be completed expeditiously, but not later than three months from the date of receipt of a certified copy of this order.
6. The O.A. stands disposed of in the above terms. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 28.11.2018.
Place: Chandigarh.

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