

Central Administrative Tribunal
Principal Bench: New Delhi

O.A.No. 892/2003

New Delhi this the 13th August, 2003

Hon'ble Shri Kuldip Singh, Member (J)

Smt. Urmila Devi,
W/o Late Shri Uma Shankar
R/o K-166 Northern Basti, Mehrauli Road,
New Delhi. .. Applicant

(By Advocate: Shri M.K. Bharadwaj)

Versus

1. Secretary,
Ministry of Information & Broadcasting
Shastri Bhawan,
New Delhi.
2. Director General,
Prasar Bharti,
Broadcasting Corporation of India,
New Delhi.
3. Supdg. Engineer,
CCW, All India Radio,
9th Floor, Suchana Bhawan,
CGO Complex Lodhi Road,
New Delhi-110 03.
4. Executive Engineer,
Civil Construction Wing,
All India Radio, Division No. V,
Kingsway Camp,
Delhi-10 009.
5. The Suptdg. Surveyor of Works II,
CCW, All India Radio, Vth Floor,
Suchana ABhawan,
CGO Complex, Lodhi Road,
New Delhi. .. Respondents

(By Advocate: Shri R.N.Singh)

O R D E R (Oral)

Heard learned counsel for the parties.

2. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the respondents to appoint her on regular basis on compassionate grounds against the vacancies available with them.



3. The facts in brief are that the husband of the applicant - Shri Uma Shanker, who was working as Beldar, died in harness on 25.8.2000 leaving behind the applicant with five children and old parents. The applicant thereafter made an application on 20.9.2000 to the department seeking appointment on compassionate grounds to the post of Beldar due to the death of her husband. It appears that pending her application for appointment on compassionate grounds, the applicant was given the job on casual basis and she has started working with the respondents. It is further stated by the applicant that her representation was forwarded by respondent no.4 to respondent no.3 on 13.11.2000. Thereafter the respondent no.3 has forwarded the same to respondent No.5 for further necessary action with regard to compassionate appointment to the applicant. However, it appears that no decision has been taken by the competent authority so far on the grant of compassionate appointment to the applicant.

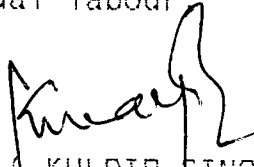
4. The respondents have contested the OA and have submitted that the case of the applicant has become time barred as the applicant's husband died on 25.8.2000 and the applicant made a representation for compassionate appointment on 20.9.2000. Since she has not heard anything about her appointment, the applicant has filed the present OA on 2.4.2003, i.e., after the expiry of the limitation period as

prescribed under Section 21 of the Administrative Tribunals Act, 1985, as such OA should be treated as time barred and seems to be dismissed. Despite the aforesaid, the learned counsel for the respondents has also submitted that the letters relied upon by the applicant are correspondents between the Superintendent Engineer, Executive Engineer and Superintendent Surveyor of Works-II. Copies of such communications are annexed with OA as Annexure A-2, Annexure A-3, Annexure A-4 and Annexure A-5. However, the same do not extend limitation.

5. In my view it only means that the case of the applicant with regard to compassionate appointment was pending consideration and last such letter is dated 30.10.2002 whereby the Superintending Engineer (C) MH has informed to SSW-II regarding vacancy position in the cadre of Beldar and that too with reference to engagement of the applicant keeping in view the acute hardships faced by her due to death of her husband. In this view of the matter, Govt. cannot take stand that the limitation has run against applicant. Since the applicant has been given the casual engagement, it also shows that the applicant was not supposed to know the nature of limitation period. As she has already been provided a job on casual basis. In these circumstances, respondents cannot be allowed to take a stand that case of the applicant is time barred. However, the grant of appointment on compassionate ground to the applicant

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has not been considered because no such order has been passed by the respondents in this regard. This OA can be disposed of with a direction to the respondents to consider the case of the applicant for appointment on compassionate ground and pass the final order within a period of three months from the date of receipt of a copy of this order. Order accordingly. In the meanwhile, as the applicant has been engaged on casual basis, if the work of this nature is available with the respondents, she shall continue to be engaged as casual labour.


(KULDIP SINGH)
MEMBER (J)

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