
(2021) 01 CAT CK 0028
In the Central Administrative Tribunal
Case No : Original Application 100, 21 Of 2021

Firdaush Jahan & Others

APPELLANT

Vs

New Delhi Municipal Council

RESPONDENT

Date of Decision : 08-01-2021

Acts Referred:

Citation : (2021) 01 CAT CK 0028

Hon'ble Judges : Pradeep Kumar, Member (A)

Bench : Single Bench

Advocate : Rakesh Kumar, Sriparna Chatterjee

Final Decision : Disposed Of

Judgement

Pradeep Kumar, Member (A)

1. There are two applicants in this OA. The applicant No.1 is the widow of Late Shri Mubarik Ali and applicant No.2 is the son of Late Shri Mubarik

Ali and Applicant No. 1. Shri Mubarik Ali was working in Department of Horticulture, NDMC, Code No. 303306. He suffered a heart attack on

19.02.2018. He was admitted in hospital where he unfortunately died on 20.02.2018. He was otherwise due superannuation on 30.06.2022.

Applicant No.1 pleads that she is suffering 40% disability in legs since 1990, on account of secondary complications due to polio.

2. After the death of Late Shri Mubarik Ali, applicant no. 2 was appointed on compassionate ground basison 01.11.2019, however as a daily wager for a period of 89 days and subsequently this period of engagement has been extended by another 230 days.

3. The applicants have preferred the instant OA seeking relief that the applicant No. 2 is entitled to be granted compassionate ground appointment on

regular basis which has not been done so far and they seek directions to the respondents to consider the same.

4. The applicant No. 1 has also preferred two representations to the respondents on 13.02.2020 and 11.03.2020 seeking the said compassionate

ground appointment for applicant No.2. The applicant No.1 has also brought out in these representations that she has not been paid any of the retiral

dues on account of unfortunate death of her late husband Shri Mubarik Ali.

It is also pleaded that these two representations have not been replied so far.

5. Issue notice. Ms Sriparna Chatterjee, learned counsel, who appears for respondents on advance information, accepts notice.

6. At this stage, the applicants' counsel submits that they will be satisfied if time bound direction can be given to the respondents to decide the

pending representations.

7. In view of the foregoing, the present OA is disposed of at the admission stage itself, without going into the merits of the case, with a direction to the

respondents to pass a reasoned and speaking order on the pending representations dated 13.02.2020 and 11.03.2020 keeping in view the extent rules

and instructions on the subject, within a time period of 12 weeks, under advice to the applicants.

In case, as a result of this examination, certain payments are found to be due to the applicant as part of the retiral dues, the same shall also be

released in a further period of 6 weeks.

8. The applicants shall be at liberty to approach the Tribunal, if some grievance still subsists. No costs.