
(2006) 05 DEL CK 0196

In the Delhi High Court

Case No : Writ Petition (C) 17388 of 2004

Sharam Devi Balmiki

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 16-05-2006

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 05 DEL CK 0196

Hon'ble Judges : S. Ravindra Bhat, J

Bench : Single Bench

Advocate : Ranjan Mukherjee and G. Umapathy, for the Appellant; Anil Nag, S.K. Sengupta and Bidyut Dutta, for the Respondent

Final Decision : Disposed Off

Judgement

S. Ravindra Bhat, J.—The writ petitioner has approached this Court claiming a direction to the respondents to consider her case for compassionate appointment to the post of Conservancy Safaiwala.

2. The petitioner's husband Ratiram Balmiki while working as Conservancy Safaiwala in the Cantonment Board Office Barrackpore, West Bengal died on 28.4.2000. It is claimed that he was left with about 20 years since he was about 40 years at the time of his death.

3. Learned counsel for the petitioner has relied on the petitioner's application requesting for compassionate appointment stating that she was solely dependent on her late husband and has to support two minor children. It is also claimed that the petitioner has no other means of livelihood. Several representations were made but all those were to no avail. The petitioner has approached this Court under Article 226.

4. On the first hearing of this petition on 5.11.2004, the Court had required the respondents to, inter alia, produce records pertaining to four compassionate appointments made prior to the rejection of the petitioner's claim. Several

adjournments were sought and eventually on 3rd April, 2006 the respondents filed a counter affidavit. Today, the records too have been produced.

5. Mr. Anil Nag, learned counsel appearing on behalf of the respondents places reliance upon a circular issued by the Ministry of defense outlining the guidelines and the criteria for issuing compassionate appointment. Clause 3 of that circular reads as follows:

(iii) Employment assistance will be provided with speed and in any case within a period of five years from the date of death of the Cantonment Fund Servant if the dependent is young and unemployable at the time of demise and also subject to the condition that the family of the deceased continues to be in indigent circumstances at the time when such appointment is made. Cases more than five years old since death may be normally accepted up to 2 years (i.e. cases up to 7 years old). Cases which are 7-10 years old should be accepted only if the family circumstances are exceptional. No case is to be ordinarily accepted which is more than 10 years old. While rejecting such old cases the individuals need not be informed that the request has been rejected merely on the ground of its being 10 years old.

6. Learned counsel submits that although the impugned order had rejected the petitioner's case, he has instructions to submit that her name figures in the list of candidates which is maintained by the respondent Cantonment Board Office, Barrackpore seeking employment on compassionate grounds. A copy that list has been produced as part of Annexure R-2 along with counter affidavit. It discloses that petitioner is at Serial number 8 in the list and her seniority has been fixed from the date of her application, namely, 24.7.2000. It is submitted that the petitioner's application would be considered as per the guidelines on the occurrence of vacancies in accordance with the policy dated 7.10.1982.

7. Having considered the submissions of the counsel for parties as also the materials on record which include the original file produced today, I am of the opinion that this petition can be disposed off with appropriate directions. Since the respondents have admitted that the petitioner's application has not been finally disposed off, they are directed to consider the application in accordance with their policies including the position in the seniority list and intimate her from time to time at least once in a year about her latest seniority position in the list.

8. The writ petition is disposed off in terms of the above directions with no orders as to costs.