

FORM NO – 4

(SEE RULE 11 (1))

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION No : T A 47 of 2012

APPLICANT (S)

N. Kameswari

RESPONDENT (S)

Union of India & 5 Ors

Legal Practitioner of applicant

Legal Practitioner for Respondent (s)

Mr. Kapur Chand Garg

Mr. Anup Kr. Biswas (Res. 1 to 3)

NOTES OF THE REGISTRY	<u>ORDERS OF THE TRIBUNAL</u> Order Sl. No. : 5 Dated : 10.04.2013
	<p>Mr. Kapur Chand Garg, Id. adv. for the applicant is present. Mr. Anup Kr. Biswas, Id. adv. appears for respondents 1 to 3.</p> <p>In compliance with our earlier order, Brigadier Somnath Banerjee, Commandant, Air Defence Centre and Station Commander, Gopalpur along with Capt. Majoj TS from Signal Records, Jabalpur have appeared in person. They have explained the steps taken by the respondent authorities to provide an employment on compassionate ground to the applicant, who is a hapless war widow. We are, however, not much impressed by the submissions made by them with regard to sincerity of efforts made. However, it is evident that some degree of correspondence has taken place to obtain a post suitable to the applicant's employment. As submitted by the Centre Commandant, Brig. Banerjee, the matter is under active consideration at the highest level of Ministry of Defence and with the Chief of Army Staff, and he expects some positive response within a short period. Lt. Col. Anil Chandra, OIC, Legal Cell, HQ, Bengal Area, supporting Brig. Banerjee, submits that he would ensure an early communication from the concerned</p>

respondents, which would effectively give relief to the applicant by providing her with a suitable compassionate appointment. We also observe that no efforts have been taken either by the Signal Records, Jabalpur or by the Station Commander, Gopalpur with regard to obtaining a vacancy from the Govt. of Orissa, although there is provision in the State Govt. to provide such employment opportunities to deserving ex-servicemen, especially to a war widow. Brig. Banerjee has assured this court that they would take up the matter with the Govt. of Orissa appropriately. Brig. Banerjee further clarified that they have enough concern for the war widows and it is for this reason that the applicant has continuously been employed in CSD Canteen although it is a temporary regimental appointment. At the same time, he has assured us that all efforts would be taken by following appropriate procedures to obtain a clear vacancy from MP 4 (Civ) Army HQ, Ministry of Defence, New Delhi to one of the units in peace establishments located in Gopalpur and for this purpose expeditious action is already in progress. The matter would be taken up with an appropriate statement of case afresh, if necessary so as to ensure that the applicant is provided with a deserving employment and is not to suffer any longer being one of our own war widows. It was impressed upon Brig. Banerjee that Indian Army is known for taking care and showing concern for its own soldiers and their widows, more so, for those widows whose husbands sacrificed their lives in war like conditions, which is the case with regard to the present applicant. Brig. Banerjee has assured that he would live up to such tradition of Indian Army and will ensure that he as well as the entire organization in Gopalpur will make all possible efforts in right earnest to provide solace and employment to the war widow-applicant.

Mr. Anup Kumar Biswas, Id. adv. for the respondents and Lt.

Col. Anil Chandra pray for three months time to enable the authorities to complete all formalities for obtaining a vacancy and giving the applicant a suitable employment. We are of the view that it is reasonable to give that much time to respondents to comply with our direction. In the meantime, we make it very clear that the regimental employment that has already been given to the applicant on temporary basis should be continued and she should not be deprived of her livelihood.

Mr. Garg has made a submission that the suffering of the applicant is continuing but at the same time has displayed full faith with the authorities that they would finally rise to the occasion and would provide an employment to the applicant.

Let the matter be adjourned to 26.7.13 for hearing. Part heard stands released.

The further presence of Centre Commandant, Gopalpur and representative of Signal Records, Jabalpur be dispensed with from hereafter. We also record our appreciation for the personal presence of Brig Banerjee and Capt. Mahesh to explain this Court the progress of the situation.

Let a plain copy of this order duly countersigned by the Tribunal Officer be furnished to both parties on observance of due procedure.

(LT. GEN K.P.D.SAMANTA)
MEMBER(A)

(JUSTICE RAGHUNATH RAY)
MEMBER(J)