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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 813/2002
MA NO. 2537/2002

This the 10th day of February, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Shri Arif Ali Khan,
S/o Shri Ashique Ali Khan,
R/o J-119, Old Seelampur,
Delhi-110095.

...Applicant

(By Advocate: Sh. Rabi Shankar Dass)

Versus

Union of India & Ors.,
Through,

1. The Secretary to the Govt. of India
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi-110001.
2. The Director General
All India Radio,
Akashvani Bhawan,
Parliament Street,
New Delhi-110001.
3. The Station Director,
All India Radio,
Broadcasting House,
Parliament Street,
New Delhi-110001.

....Respondents


(By Advocate: Sh. Rajender Khatter proxy for
Sh. D.S. Mahendru)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Heard.

2. The facts of the case are that the father of the applicant is working as Staff Artist (Sarangi Player) in the organisation of the respondents who died while in harness on 29.9.99 leaving behind 6 LRs. Applicant made a representation for grant of appointment on compassionate grounds as Sarangi Player.



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3. The request of the applicant was rejected. However, the impugned order does not disclose any reason. But in the counter, respondents submits that the applicant had asked for the post of Sarangi Player (Instrumentalist) for which the requisite qualifications are that the Artist should have attained at least the grade of 'B-High' in classical music whereas the applicant is a Music Artist graded 'B' by MAB. Therefore, the applicant does not possess the essential qualification of the Instrumentalist. Hence his case cannot be considered for the said post on compassionate appointment.

4. In the rejoinder applicant submitted that the impugned order has been passed without assigning any reason and the applicant's case is not considered for appointment to any post in Group 'C' or 'D' for which he is eligible as per his qualification.

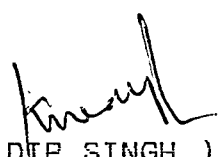
5. Keeping in view the submissions made by the counsel for the applicant, I find that the OA can be disposed of with the directions to the respondents that the case of the applicant may be considered for appointment to any Group 'C' or 'D' post to which he may be eligible as per his qualification. As far the impugned order is concerned, it appears that the same has been passed keeping in view that applicant wants the job of Sarangi Player only as it is clear from the counter affidavit that the respondents had considered his case only with a view to see that he asked for the appointment as Artist (Sarangi Player) and since he did not ask for the grade of Group 'C' or 'D', his case is rejected. But it appears that his case has not been examined to provide any other job in group 'C' or

[Signature]

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(3)

'D'. So I hereby quash the impugned order and direct the respondents to consider the case of the applicant for grant of any other job as per rules either in Group 'C' or 'D'. The case of the applicant be decided within a period of 3 months from the date of receipt of a copy of this order.


(KULDIP SINGH)
Member (J)

'sd'