

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH 13

Original Application No. 1271 of 2001

New Delhi, this the 14th day of May, 2002

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

1. Smt. Raj Kumari
Widow of Late Shri Pahlad Singh
R/o House No. 5977A, Mohalla Khaspura,
Near Jagat Gate Police Post Rewari,
Haryana.
2. Shri Mahesh Yadav
S/o Late Shri Pahlad Singh
R/o House No. 5977A, Mohalla Khaspura,
Near Jagat Gate Police Post Rewari,
Haryana.

-APPLICANTS

(By Advocate: None)

Versus

Union of India through

1. Chief Administrative Officer,
L.H.M. College,
New Delhi.
2. Ministry of Health and Family Welfare
Through Secretary,
Government of India
New Delhi.
3. Ministry of Health and Family Welfare
Through Secretary,
Government of NCT of Delhi,
Delhi.
4. Naresh
S/o Shri Kalu Ram
Ward Orderly
L.H.M. College,
New Delhi.
5. Satbir
S/o Shri Charan Singh
Ward Orderly, LHM College,
New Delhi.

-RESPONDENTS

(By Advocate: Shri Rajeev Bansal)

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

This OA has been filed by Smt. Raj Kumari, applicant No. 1 and her son Sh. Mahesh Yadav claiming appointment on compassionate grounds.



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2. As none has appeared for the applicant, so I proceeded to dispose of the OA in accordance with Rule 15 of the CAT (Procedure) Rules after hearing the learned counsel for the respondents.

3. The facts in brief are that the applicants predecessor Sh. Pahlad Singh expired on 21.8.94 while in harness. He was working as Ward Orderly under the employment of respondent No.1. After the death of Late Shri Pahlad Singh, the applicant No.1 approached the respondent vide his application dated 19.6.95 for employment on compassionate grounds of his son (applicant No.2). By that time the applicant No.2 was studying in Class VIIIth so he was advised to apply again after he attained the age of 18 years. Thereafter on 23.11.1998 the applicant No.2 approached again after he attained the age of 18 years for compassionate appointment. Applicant claims that he received a reply by which he was informed that his case could not be considered against a Group 'C' post and if the applicant is interested in category 'D' then he can apply for the same. The applicant submits that immediately thereafter he sent a reply that he was interested in Group 'D' post or any other post but the applicant No.2 has not till now been offered any Group 'D' post or any Group 'C' post.

4. The learned counsel appearing for the respondents submitted that earlier the applicant No.2 was

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_____ offered a Group 'D' posts but the applicant No.2 refused to be considered for appointment on Group 'D' post which fact he has not disclosed in his OA so for this concealment the OA should not be allowed.

5. Besides that the learned counsel submitted that as per the rules for appointment on compassionate grounds is concerned, if there is a belated application the Rule 7 requires that the application should be considered at the level of Secretary and the matter has already been referred to the Secretary and is pending consideration.

6. On going through Rule 7 which does not allow to entertain the application for appointment on compassionate grounds at a belated stage is based on the concept that the family of the deceased may have tied over the situation and they have found some alternate means of sustenance so that is why it requires that the decision should be taken at the level of Secretary. However, during the reply I find that there is no pleadings to the effect that by this lapse of time the applicants have come out of the financial crisis but still the matter is pending consideration before the Secretary concerned, so I think it would be in the interest of justice that the OA is disposed of with a direction to the respondents to take an early decision by the competent authority.

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7. Accordingly, I direct the respondents to take up the decision on the application of the applicant No.2 for appointment on compassionate grounds within a period of 3 months from the date of receipt of a copy of this order by passing a reasoned and speaking order in accordance with the rules, instructions and judicial pronouncements on the subject.

If any grievance survives thereafter applicant will be at liberty to file an appeal in same. No Costs

Kuldip Singh
(KULDIP SINGH)
MEMBER (JUDL)

Rakesh