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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 195/98

in

O.A. No.1573/98

New Delhi this the 28 Day of October, 1998

Hon'ble Mr. R.K. Ahooja, Member. (A)

Shri Kunwar Pal,
S/o late Nathi Lal,
R/o Village & Post Arthoni,
Agra, U.P.

Applicant

(By Shri M.P. Raju)

-Versus-

1. Union of India through
The Secretary,
Ministry of Human Resources Development,
Department of Education and Culture,
New Delhi.

2. Director (Administration),
Archaeological Survey of India,
Govt. of India,
Janpath,
New Delhi.

Respondents

ORDER (By Circulation)

The applicant seeks a review of the order passed on 13.8.1998 in the above O.A. The O.A. has been filed against the order of the respondents dated 17.2.1998 rejecting the request of the applicant to consider him for appointment on compassionate grounds on the death of his father who was working as Garden Attendant.

2. The applicant submits that there has been an apparent mistake on the face of record as the impugned order speaks of the rejection of the request of the applicant on the ground that he has an elder brother who is already employed. It is stated that one of the grounds of challenging the impugned order was that it was a non-speaking order and no ground had been stated for the said rejection. It is also stated that the counsel

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of the applicant had not submitted, to the knowledge of the applicant, that this was the ground for rejection as mentioned in the impugned order. It is further submitted that the Tribunal erred in concluding that the the applicant could not be considered as dependent of his late father.

3. I have perused the record. In so far as the contention of the petitioner regarding his status as a dependent on his late father is concerned, there is nothing but a repetition of the argument advanced in the O.A. If the applicant is dissatisfied with the conclusion of the Tribunal, the remedy does not lie in seeking a review of the impugned order.

4. In so far as the first contention is concerned, I find that the matter is somewhat more serious. The impugned order reads as follows:

"The learned counsel for the applicant submits that the ground for rejection of the request of the applicant was that he has an elder brother who is already employed"

5. The applicant now implies that no such submission was made by the learned counsel for the applicant. The impugned order was dictated in the open court and in the presence of the counsel for the applicant. If the learned counsel thought that he had been misunderstood by the court then a submission on this point should have been made at that very time. No such correction was apparently sought. I am therefore

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inclined to go by what had been dictated at that time. On going through the record I also find that the O.A. included the following ground for relief.


"ix) Because Shri Chattar Pal, the elder brother of the applicant and the eldest son of Nathi Lal since started ~~sat~~ separately with his family even when Nathi Lal was alive and since then been engaged in his own occupation. Late Nathi Lal during his lifetime was never provided any help by his elder son Shri Chattar Pal and he did not maintain any relationship with his father and other members of the family except some occasional visit to home".

x) Because the elder son of late Nathi Lal Shri Chattar Pal was appointed as the Garden attendant by the Chief Horticulturalist by their order No. 1/1/85-G-III-535 dated 24.6.1985 and his earnings has never caused to mitigate the economic hardship of Nathi Lal's family and therefore it would be the violation of the natural justice to consider his employment as the bar to the applicant in getting the service on compassionate ground'.

6. The above excerpts from his petition would also indicate that the applicant had been under the impression that the request for compassionate appointment

had been rejected on the ground that his elder brother was already employed and his main effort had been to show that the elder brother having separated was of no help to the family.

7. For the aforesaid reason, I find no ground justifying the review sought for. Accordingly, the Review Application is summarily dismissed.


(R.K. Arboja)
Member (A)

Mittal