

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this Tuesday, the 20th day of November 2020

Original Application No. 330/00672/2020

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

Sumit Kumar, a/a 41 years, S/o Late Shambhu Nath Srivastava, R/o Post-143/190 Andhiyaribagh South, Gorakhnath, District - Gorakhpur.

. . . **Applicant**

By Advocate : Shri Rohit Singh

V E R S U S

1. Union of India, through the Secretary, Income Tax, Aayakar Bhawan, New Delhi.
2. Principal Commissioner, Income Tax, Civil Lines, Gorakhpur.
3. Chief Commissioner, Income Tax, Civil Line, Allahabad.
4. Additional Commissioner, Income Tax, Civil Line, Gorakhpur.
5. Smt. Akanksha Srivastava, W/o Late Amit Kumar, R/o Post 143/190 Andhiyaribagh South, Gorakhnath, District – Gorakhpur.

. . . **Respondents**

By Adv: Shri Chakrapani Vatsyayan

O R D E R

By Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)

Shri M.K. Upadhyay holding brief of Shri Rohit Singh, learned counsel for the applicant and Shri Chakrapani Vatsyayan, learned counsel for the respondents are present.

2. Heard learned counsel for the parties on admission and perused the record.
3. Learned counsel for the applicant submitted that elder brother of the applicant Late Amit Kumar was working on the post of Income Tax Inspector, who died-in-harness on 21.02.2020. The widow of Late Amit Kumar, after

his death, left the home and began to live with her parents. It is submitted that the widow of deceased employee has no objection in case the applicant is appointed on compassionate grounds in place of his elder brother and she has even given a 'No Objection Certificate' in favour of the applicant for his appointment on compassionate ground, vide letter dated 10.03.2020. The applicant has filled the prescribed form for his appointment on compassionate ground on 06.05.2020. However, the respondents have not taken any decision on his claim.

4. Learned counsel for the applicant further submitted that the applicant will be satisfied at this stage if a direction is issued to the concerned respondent who is the competent authority, to take a decision on the claim of the applicant for compassionate appointment in a time bound manner.

5. Although, the learned counsel for the respondents has not objected to this limited prayer made by the learned counsel for the applicant, however, he has contended that claim of the applicant is not maintainable in view of the fact that brother or sister of an employee dying in harness can claim compassionate appointment only when the deceased is unmarried.

6. In view of the above, no useful purpose will be served in keeping this matter pending and it is disposed of finally with a direction to respondents concerned who is the competent authority, to consider and take a decision on the claim of the applicant dated 06.05.2020 by passing a reasoned and speaking order strictly in accordance with law, within a period of three months from the date of receipt of a certified copy of this order. The order so passed shall be communicated to the applicant without any delay.

7. No order as to costs.
8. It is made clear that this Tribunal has not expressed any opinion on the merits of the case.

(Justice Vijay Lakshmi)
Member(Judicial)

RKM/