

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A./61/867/2020



This the 19th day of November, 2020

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

Anuj Thakur, Age 28 years, S/o Late Sh. Chain Singh Thakur, R/o Tehsil Rajgarh, District Ramban, A/p H. No. 67/A, Bhawani Nagar, Janipur, Jammu.

.....Applicant
(Advocate: Mr. Sudershan Sharma)

Versus

1. UT of J&K through Commissioner/Secretary to Government Home Department, Civil Secretariat, Jammu/Srinagar.
2. Director General of Armed Police, Jammu.
3. Inspector General of Armed Police, Jammu Zone.
4. Commandant, IRP, 18th Battalion, District Police Lines, Gulshan Ground, Jammu.

.....Respondents
(Advocate:- Mr. Amit Gupta, Additional Advocate General)

O R D E R
[O R A L]

Justice L. Narasimha Reddy, Chairman:

The father of the applicant, namely Shri Chain Singh Thakur, was employed as Constable in Jammu & Kashmir Police. He died in a militant attack on 05.05.1998. In accordance with the Scheme contained in SRO 43 of 1994, the brother of the applicant by name Sumit Thakur was appointed as Follower, in J&K Armed Police Force on 25.05.2009. Thereafter, he got married to one Sonu Devi, and out of wedlock, he was blessed with a female child. However, within 10 years, he died on 10.10.2019, due to Brain haemorrhage.

2. The applicant states that the entire family has become without any financial support and he made an application for appointment on compassionate grounds. The respondents are said to have insisted on submission of a No Objection Certificate from his sister-in-law Ms.Sonu Devi, wife of late Sumit Thakur.

3. This OA is filed with a prayer to direct the respondents to consider his case against suitable vacancy without insisting on No Objection Certificate from his sister-in-law.

4. The applicant contends that the very purpose of providing appointment on compassionate grounds to the family members of deceased employee is to enable them to tide over the financial penury, and although the benefit in that behalf is extended, the same could not endure on account

of the death of his elder brother Shri Sumit Thakur. It is also stated that the wife of late Sumit

Thakur moved out of the family and she is also been appointed as Junior Staff Nurse.

4. We heard Mr. Sudershan Sharma, learned counsel for the applicant and Mr. Amit Gupta, learned Additional Advocate General.

5. Promptly enough the Government extended the benefit of compassionate appointment on account of the death of the father of the applicant by name Shri Chain Singh Thakur, by appointing his elder son Shri Sumit Thakur. The applicant is younger son. However, within 10 years from the date of appointment, Shri Sumit Thakur died on 10.10.2019, due to Brain haemorrhage.

6. The question as to whether the applicant is entitled to be extended the benefit of compassionate appointment needs to be examined. For this purpose, no objection certificate from the wife of his brother late Shri Sumit Singh, may not be necessary, particularly when she is appointed on her own merit as Junior Staff Nurse and when she is said to have moved out of the family. The claim of the applicant cannot be kept pending indefinitely.

7. We, therefore, dispose of this OA with a direction to the respondents to pass a reasoned order on the claim of the applicant within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

(A.K. BISHNOI)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

Dsn