

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2012/1990 199
T.A. No.

DATE OF DECISION 1.11.1990.

Shri Surinder Singh	Petitioner Applicant
Dr. Dewan C. Vohra	Advocate for the Petitioner(s) Applicant
Versus	
Union Of India & Others.	Respondent
Shri N. S. Mehta	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice -Chairman(J)

The Hon'ble Mr. D.K. Chakravorty, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? */ No*
4. Whether it needs to be circulated to other Benches of the Tribunal? */ No*

J U D G E M E N T

(JUDGEMENT OF THE BENCH DELIVERED BY
HON'BLE MR. D.K. CHAKRAVORTY, MEMBER(A))

This application came up for admission today. The pleadings in this case are complete. We feel that as the grievance of the applicant relates to non-appointment on compassionate grounds, the application could be disposed of at the admission stage itself and we proceed to do so.

2. The facts of the case, in brief, are that the father of the applicant, who was working as a Machine Man in the Minto Road Press, died

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in harness on 8.1.88. The son of the deceased govt. servant applied for appointment as a Lower Division Clerk on the basis of his qualifications as he has passed the matriculation examination. He has furnished the particulars about the size of the family and other information to the respondents. The respondents have not appointed him on compassionate grounds.

3. The learned counsel of the applicant relied upon the Office Memorandum issued by the Department of Personnel & Training on 30th June, 1987, which deals with the direction regarding compassionate appointments. He has also relied upon the decision of the Hon'ble Supreme Court dated August 25, 1989, which is at Annexure/T, pages 42 and 43 of the paper-book, in Smt. Sushma Gosain & Ors. Vs. Union of India & Others.

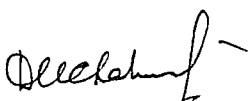
4. The respondents have stated in their counter-affidavit that there is no vacancy in the Minto Road Press which is already overstaffed. They have also stated that there is no vacancy in any other Press where the applicant could be appointed on compassionate grounds. There is also a statement in the counter-affidavit to the effect that the applicant never desired for absorption in other Presses outside New Delhi/Delhi. With regard to this averment, the learned counsel of the applicant stated that the applicant is in dire circumstances and that he would accept any appointment in any other nearby Press as a Labourer/Attendant for which

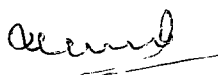
no special qualifications are required.

5. We have gone through the records of the case and have considered the matter carefully. The respondents have not stated in their counter-affidavit that the case of the applicant is not a deserving one. They have not given any reasons in their Office Memorandum dated 5.12.88 whereby the request of the applicant for appointment on compassionate grounds has been turned down by them.

6. We feel that having regard to the observations contained in the judgement of the Hon'ble Supreme Court, relied upon by the applicant, and the guidelines laid down by the Department of Personnel & Training in their Office Memorandum dated 30th June, 1987, the case of the applicant is a deserving one. We, therefore, dispose of this application at the admission stage itself with the direction to the respondents that the case of the applicant, being ^adeserving one, the respondents will be well advised to appoint the applicant as a Labourer/Attendant in any of the Presses near to New Delhi/Delhi as expeditiously as possible but, in no event, later than two months from the date of receipt of this order. The application is disposed of accordingly.

There will be no order as to costs.


(D.K. CHAKRAVORTY)
MEMBER(A)


(P.K. KARTHA)
VICE CHAIRMAN(J)

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