

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * *

9

O.A. NO.1979/91

25.05.1992

Shri Rup Chand

...Applicant

vs.

Union of India & Ors.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri V.P. Sharma

For the Respondents

...Shri K.K. Patel

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The applicant, Shri Rup Chand has filed this application assailing his non appointment on compassionate ground because of the death of his father, Shri Dalip Singh Yadav in January, 1977. The applicant, as stated, was born in 1969 and was minor at the time of the death of his father and the mother of the applicant having predeceased the father. It is also evident from the record that the ^{elder} brother of the applicant, Shri Vikram was given some appointment in October, 1983 commensurate with his educational qualifications, but that brother of the applicant did not join. The applicant approached DRM, Bikaner for his own appointment ^{invoking} ~~knowing~~ that the earlier compassionate appointment given to his brother because of his less educational qualifications was not befitting the tradition of the applicant's family. The applicant, therefore, passed the High School Examination and then desired that instead of his

↓

...2....

10

brother, he be given the compassionate appointment.

2. The respondents opposed the application on the ground that the request for compassionate appointment is hopelessly delayed and is stale. Further one of the brothers of the applicant had already been given an offer of appointment in October, 1983 and the work on which he was to be kept was only of the maintenance of the carriage and wagons in the carriage and wagons department.

3. At this stage, the learned counsel for the applicant referred to the authority annexed with the application of Angoori Devi & Anr. vs. Union of India (OA 2080/89) decided by the Principal Bench on 4.1.1991. Applicant No.2, Duli Chand in that reported case died in 1971 and the Bench ordered that the case of the applicant be also considered.

4. Shri V.P. Sharma, learned counsel for the applicant, therefore, argued that since the respondents denied having received any representation or application from the applicant for compassionate appointment, so a direction be issued to the respondents to consider the request of the applicant in that light. The learned counsel for the respondents, however, maintains that the present offer of appointment was given to the brother, Vikram and he did not join. The learned counsel for the applicant reiterates the stand that since that post

1

(11)

was of Safaiwala, the traditions of the family compelled the brother of the applicant not to perform that job, though there was no specific refusal from his side.

5. In view of the above, the present application is disposed of with the direction that the applicant shall make a representation to the respondents to consider his case for compassionate appointment in the light of the decided authority within a period of six months from the date the representation is received by the respondents from the applicant. The application is disposed of accordingly.
Costs easy.

AKS

J. P. Sharma
25.5.92.
(J.P. SHARMA)
MEMBER (J)
25.05.1992