

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

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O.A. No.3021 of 1991

New Delhi, dated the 18th July, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Junaid Rauf,
S/o late Shri F.A. Siddiqui,
R/o 5131, Sharif Manzil,
Ballimaran,
Chandni Chowk,
Delhi-110006.

..... APPLICANT

(By Advocate: None appeared)

VERSUS

1. Lt. Governor,
Union Territory of Delhi,
through the Chief Secretary,
Delhi Administration,
5, Sham Nath Marg,
Delhi.
2. The Director of Education,
Directorate of Education,
Delhi Admn.,
Old Secretariat,
Delhi.
3. Shri Tariq Salam,
Inspector of Cooperative Societies,
O/o the Registrar of Cooperative
Societies,
Parliament Street,
New Delhi.
4. Shri Anjum Masood,
S/o late Shri Masood Ahmed,
Superintendent,
Govt. Girls Sr. Secondary School,
Kalan Mahal,
Pataudi House,
New Delhi.

..... RESPONDENTS

(By Advocate: None appeared)

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ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application, Shri Junaaid Rauf has sought for a direction to the Respondents that he be appointed against Grade II post (as UDC) w.e.f. 8.12.82 the date he was appointed to the post of LDC with consequential benefits.

2. The case of the applicant is that his father Shri F.A.Siddiqui who was working as UDC in the Education Dept. of Delhi Admn. died in harness on 10.2.82 and on 25.2.82 the applicant had applied for a suitable appointment as per his educational qualifications in Delhi Admn. on compassionate grounds. Pursuant to his application, he was appointed to the post of LDC vide letter dated 27.11.82 and was posted, in G.B.S.S., G.T. Road, Shahdara, Delhi against a vacant post w.e.f. 8.12.82. He alleges that upon his joining the said post in the G.B.S.S., Shahdara, Delhi he realised that he had been discriminated as he had been illegally appointed to the post of LDC in as much as his educational qualifications entitled to him appointment to a higher post. He has contended that upon further enquiry he states that he has discovered that some other persons who were appointed under similar unfortunate

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circumstances had been appointed as UDC. In this connection the applicant has mentioned the cases of S/Shri Tariq Salam and Anjum Masood. He has filed representations to the Respondents for his appointment to the higher post and upon rejection of his representations, he has filed this O.A.

3. The Respondents in their reply have stated that the applicant was appointed as LDC vide letter dated 25.9.82 in accordance with the existing policy as contained in Govt. of India, O.M. dated 25.11.78 and he was given a suitable placement commensurate with his educational qualifications. They have stated that the applicant having accepted his appointment as an LDC, he is now estopped from questioning the same on account of future improvement in his position as per Govt. policy for providing employment on compassionate grounds. In so far as S/Shri Tariq Salam and Anjum Masood are concerned, their cases are not similar to that of the applicant as those persons were graduates at the time of making the application to the deptt. for being considered for employment on compassionate grounds while the applicant was not a graduate and obtained the graduation only after his appointment.

4. This case was listed for hearing on 17.7.96. On that date the applicant's counsel Shri M.M. Israilly appeared in court and sought for a short adjournment to enable him to study the case and make his

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submissions. Upon his express request his prayer was allowed and the case was listed for hearing today. When the case was called out applicant's counsel was not present although he had been seen in the Court -room a little while earlier. None has appeared for the Respondents either. This is a very old case. Under the circumstances we are proceeding to dispose of this case on the basis of the available materials on record.

5. At the outset ~~we~~^{it} notice that although the order impugned is dated 25.9.82, the OA was filed on 9.12.91 i.e. after a lapse of over 9 years. The applicant no doubt filed his representation on 14.3.83 (Annexure-A5) which was rejected vide order dated 4.4.83 (Annexure-A6) against which, if aggrieved, the applicant should have moved the appropriate legal forum well in time, but the applicant did not do so and hence this OA is grossly time barred and therefore hit by limitation under section 21 AT Act.

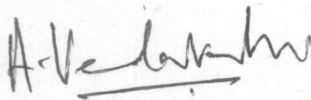
6. That apart, in U.K.Nagpal Vs. State of Haryana & others - JT 1994 (3) SC 525 the Hon'ble Supreme Court has held that grant of compassionate appointment is an exception to the equality clause enshrined in the Constitution. Its object is to help the family of the deceased Govt. servant tide over the sudden ^{crisis}. That being so only the lowest posts in the manual and non-manual category can be offered on compassionate grounds, and no other posts are expected or required to be given by the *public*ⁿ authorities for the

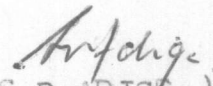
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purpose.

7. The circumstances under which S/Shri Tariq Salam and Anjum Masood were offered higher facts, if at all are not known to us, but prima facie the applicant having once accepted the post offered to him is now estopped from agitating his claim for a higher post.

8. In the light of what has been stated above, we see no good reason to interfere in this matter. The OA fails and is accordingly dismissed. No costs.


(DR. A. VEDAVALLI)
MEMBER (J)


(S. R. ADIGE)
MEMBER (A)

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