

(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA-273/2004

New Delhi, this the 4th day of February, 2004.

Hon'ble Shri Bharat Bhushan, Member(J)

Bhup Singh
S/o Late Shri Bhagat Singh
R/o R/9 168/2 Aliganj
Kotla Mubarakpur,
New Delhi-1100003. Applicant.

(By Advocate: Shri K.B.S.Rajan)

versus

1. Union of India
Through the Secretary
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.

2. Chief Engineer (NDZ-2)

C.P.W.D., Nirman Bhawan,
New Delhi. Respondents.

(By Advocate: None)

Order(Oral)

Hon'ble Shri Bharat Bhushan, Member(J)

Heard.

2. This is case of compassionate appointment of the applicant. The applicant is the son of Shri Bhagat Singh, driver employed in the CPWD who died in harness on 2.11.2002. The applicant with the consent of other family members applied for compassionate appointment on 15.7.2002 within 9 months of the demise of his father. The impugned order was passed by the respondents thereby declining the request of the applicant for appointment on compassionate grounds (Annexure- A1). The same reads as under:

The undersigned is to refer to your letter No.10(2)/E-3/DCC-IX/1527 dated 23.4.03 on the above subject. As per revised guidelines issued by Min. of U.D. & P.A's O.M.

NO. A-46020/62/2002-Coord dated 17.5.2002, the proposal for appointment of compassionate grounds is to be processed only if vacancy meant is available within a year in the concerned Deptt./office. In this regard a reference was made to S.E. (Coord.), CPWD and they have intimated vide their letter dated 31.1.03 that it is not possible to give compassionate appointment to group 'C' & 'D' posts within a year. In this case the Govt. servant expired on 12.11.2000 and applied on 15.7.2001 (after 22.6.02). Therefore, it is not possible to consider the request of Sh. Bhoop Singh, S/o Late Sh. Bhagat Singh, MLD on compassionate grounds as L.D.C. at present.

3. The only ground given in the said order is that whereas the Govt. servant had expired on 2.11.2000, the applicant had applied for appointment on compassionate ground only on 15.7.2001 (after 22.6.2001). It is not clear as to under what circumstances the application of the applicant has been rejected summarily. This being so, I direct the respondents to pass a detailed, reasoned and speaking order by treating the present OA as the representation of the applicant within a period of two months from the date of receipt of this order. If still any grievances survives, the applicant can challenge the same.

4. With this, OA stands disposed of.



(Bharat Bhushan)
Member (J)

rb.