

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

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OA No.1886/92

Date of decision: 19.8.1993

Shri Karam Singh

Versus

Union of India

CORAM:

Hon'ble Shri C.J. Roy, Member (J)

Counsel for the applicant .. Shri Shambu Nath

Counsel for the respondents..Shri M.L. Verma

Judgement (Oral)

The applicant is aggrieved by the order turning down his request for compassionate appointment. The applicant's father while working as a Civilian Mazdoor in COD Kanpur died in harness on 14.6.73. It is brought to my notice that the cause of action arose at Delhi and therefore this Tribunal has jurisdiction. After the death of the father of the applicant, Smt. Bimla Devi, widow of the deceased, approached the respondent for her appointment on compassionate ground in relaxation of the normal rules. It is alleged that necessary sanction was accorded by the Army Hqrs. vide their letter No.93669/311/DS-SC(1) dated 17.9.74 Annexure B) but she did not join duty because it was a far of place and therefore she requested employment for her son, who was a minor at that time. The she requested that her nephew may be considered for appointment but that was rejected by the Respondents.

After he son became a major, she applied to the respondents for consideration of her son's compassionate appointment vide Annexure C. A recommendatory letter from the

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Parliamentary Secretary to the Govt. of Himachal Pradesh to the Commandant, COD, Kanpur is at Annexure D. In the internal correspondence, as per Annexure E, Respondent No.1 directed Respondent No.2 to consider the case of Smt. Bimla Devi in relaxation of normal rules. Subsequently R.2 wrote a letter dated 15.1.91 advising the applicant to submit a fresh application within 20 days. The applicant submitted fresh application on 2.2.91 for compassionate appointment but this was rejected stating that there were limited vacancies.

The respondents have also filed their counter stating that as there are more deserving candidates, the applicant could not be accommodated for compassionate appointment and therefore the application may be dismissed.

The applicant has filed a rejoinder more or less asserting the same points.

I have heard Shri Shambu Nath, learned counsel for the applicant and Shri M.L.Verma, learned counsel for the respondents and perused the records.

I find in para 2 of Annexure A it is stated that due to limited vacancies, though the case of the applicant was considered by a Board of Officers, compassionate appointment could not be given to the applicant. This letter is addressed to the applicant.

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Under the circumstances, I feel that it is a fit case to give a direction. I therefore direct the respondents to consider the case of the applicant for appointment on compassionate ground in relaxation of normal rules as a Civilian Mazdoor as and when a vacancy occurs and in his own turn. This judgement may be implemented as expeditiously as possible. The applicant is thus disposed of. No costs.

Justice
(C.J. RDY)
Member (J)
19.8.1993