

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

4-9-92

Date of Decision: _____

OA 1008/92

PRADEEP KUMAR TALUQDAR

... APPLICANT.

Vs.

Lt. GOVERNER & OTHERS

... RESPONDENTS.

CORAM:

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

For the Applicant

... SHRI C.N. REDDY.

For the Respondents

... SHRI GAJRAJ SINGH.

1. Whether Reporters of local papers may be allowed to see the Judgement ? x
2. To be referred to the Reporters or not ? y

_ J _ U _ D _ G _ E _ M _ E _ N _ T _

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

The applicant Pradeep Kumar Taluqdar had applied for compassionate appointment on 30.12.90 to the Secretary, Delhi Administration on the ground that his mother Smt. Neelima Taluqdar, who was working as a Water Woman in Govt. Girls' Senior Secondary School, Ashok Nagar, has been medically found not fit for service and so on medical ground was retired from service w.e.f. 30.4.90. The applicant, therefore,

le

....2.

alleged that the family has immediate need of help and should be given compassionate appointment. Since the applicant is the eldest son and is un-employed, he should be given a suitable Class-III or Class-IV post. The representation of the applicant was rejected by the Delhi Administration by the impugned order dated 12.7.91 and the appeal preferred to the Delhi Administration was also rejected by the order dated 11.10.91 (Document-I and Document-II). In this application, the applicant has claimed the relief that the case of the applicant be considered for any suitable Group-C or Group-D post by the respondents and a direction in this regard be issued.

2. The applicant stated that the mother of the applicant suffers from 'Chronic Schize Phrenia' and she was also hospitalised. The applicant has another brother Pranab Kumar Taluqdar, who is living separately and is employed. It is also the case of the applicant that one Shri A.K. Ghosh is his step father who lived with his mother since 1971 but deserted her in 1989. The applicant has his wife and two children. The applicant made several representations but to no effect.

11

3. The respondents contested the application and stated that the applicant has not come with clean hands nor he disclosed the full details of the family in his representations to the Delhi Administration. The respondents stated that in order to get a clear picture of the family of the applicant an inquiry was made by the Food and Supply Department and they informed that Ration Card was earlier in the name of the applicant and his brother Pranab Kumar Taluqdar, who were shown as sons of Shri A.K. Ghosh and the name of their mother is written as Smt. Neelima Ghosh, the Food Card No. 735852. Subsequently the applicant surrendered this card on 1.6.90 and Food Card No. 336740 was issued in the name of Smt. Neelima Taluqdar in September, 90 at the same address with another member Pradeep Kumar, her son. This was issued on the basis of surrender certificate from Calcutta. It was further informed by the Food Department that another Food Card No. 405443 was issued to one Shri Pranab Kumar s/o Shri A.K. Ghosh in April, 89 after deleting his name from the Food Card No. 739852. It was also brought to the notice of the administration that the first husband of Smt. Neelima was Shri Bimal Chandra and after his death Shri A.K. Ghosh is

de

....4.

2

the second husband, who is living and alive.. It is further stated that other son of the retired Govt. servant is employed in the Bank. In view of this, the application was rejected.

4. I have heard the learned counsel for both the parties at length and have gone through the records of the case. The instructions of the Govt. of India for compassionate appointment are contained in OM No. 14014/6/86 Estt. (D) dated 30.6.87. The instructions laid down that compassionate appointment can also be given in case of a Govt. Servant who on medical grounds is prematurely retired. However, the facts remains that the applicant has not come with clean hands because the applicant has concealed the main facts in the application itself. The paternity of the applicant is still doubtful. In the Ration Card, which was in the name of Shri A.K. Ghosh, No. 735852, and was till lately being used by the family of the retired Govt. servant. The applicant as well as his brother are shown as sons of Shri A.K. Ghosh. Secondly, the other son Pranab Kumar was issued a fresh Ration Card in April, 89, Food Card No. 405443, and the name of his father is Shri A.K. Ghosh. The age of the applicant is shown as 35 years and the age of the mother is 50 years. This also create some doubt as to whether the

↓

....5.



applicant was born by the former husband or is the son of Shri A.K. Ghosh. In the application filed by the applicant earlier, the name of the father was not written. Instead that, of the name of the mother was mentioned in the son of column subsequently this was amended and the name of Shri Bimal Chandra was written as son of. This goes to show that the applicant has not come with clean hands.

5. The learned counsel for the applicant has stressed that the appointment be given to the applicant on the basis of law laid down by the Hon'ble Supreme Court in the case of Sushma Gosain Vs. UOI (AIR 1989 SC 1976) and in the case of Phoolwati Vs. UOI (RLR 1991 (2) 115). The facts of both the cases are different. In the present case the applicant has not disclosed the family, its status and strength. The applicant is the only dependent on the retired Govt. servant, who is also getting pension. The applicant has also crossed the age of 35 years, as per his own showing. The applicant has also filed a copy of the application form for obtaining migration certificate and it bears certain notings that the applicant appeared in 1977 with Roll No. 48241 and he failed

Je



while in the form it is shown that the applicant appeared in 1978 and Roll No. is shown as 21371.

6. Having given a careful consideration to all these aspects though it cannot be disputed that the mother of the applicant has been made to retire / prematurely on medical grounds but yet he has not made out a case to interfere with the order passed by the respondents.

7. In view of the above facts, the present application is dismissed on the ground that the applicant has not come with clean hands and suppressed material facts both from the Tribunal as well as from the respondents.

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