

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1139 of 1996

Allahabad this the 18th day of JANUARY, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Vineet Agarwal, Son of Late Sri A.K. Agarwal,
R/o 25-B, Jawahar Nagar, Bareilly.

Applicant

By Advocate ~~Sh~~ Mrs. Sunita Agarwal

Versus

1. Union of India through Secretary, Ministry of Agriculture, Krishi Bhavan, New Delhi.
2. The President, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi.
3. The Director, Veterinary Research Institute, Izat Nagar, Uttar Pradesh.

By Advocates Shri Rakesh Tiwari
Shri N.P. Singh

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The facts as have come up from the pleadings are that Shri A.K. Agarwal died in harness on 11.6.1976 while in the service of the respondents as Senior Clerk leaving behind his widow and the applicant-Vineet Agarwal, who was only of 11 months at that time, ^{and} ~~who~~ attained majority on 04.7.1993, and then moved for appointment on compassionate ground on 31.7.1993. His request was considered at Veterinary Research Institute and forwarded with

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recommendation to Indian Council of Agriculture Research, where it was decided and turned down on 23.12.1994, which is annexure-3 to the O.A. and runs as under;

"With reference to her application dated 31.7.93 regarding compassionate appointment to her grand son Shri Vineet Agarwal S/o Late Shri A.K. Agarwal (Ex.Sr.Clerk), Smt.Savitri Devi is informed that her request for compassionate appointment of Shri Vineet Agarwal was considered by the council but the same has not been acceded to at this late stage."

Being aggrieved by this decision, the applicant has come up before the Tribunal.

2. The respondents have contested the case and filed counter-reply to support the impugned order on fact and law both.

3. Heard the learned counsel for the rival contesting parties and perused the record.

4. The claim of the applicant has been turned down only on the ground that it has been moved at late stage i.e. not within time prescribed for the purpose,, which is mentioned by the learned counsel for the respondents to be only five years. Learned counsel for the respondents has relied on 2000 S.C.C.(L&S) 859 Sanjay Kumar Vs. State of Bihar in S.L.P.(C) 12876 of 2000, decided on 28.8.2000, in which the delay of 8 years was found to be barred by limitation of time and

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in that case also the applicant was minor at the time of death of his mother and he applied as soon as he attained the majority.

5. Learned counsel for the applicant narrated the circumstances which lead to delay in filing the application by the applicant with the mention that at the time of ^{death of} his bread earner father he was only 11 months old. His mother married again only after 2 years of the death of his father when the applicant was ^{of only} holding 3 years of age and then only his grand parent gave him a refuge for his bringing up and when the applicant attained the majority and was very much in distress he applied for compassionage appointment and keeping in view these circumstances, his case was recommended at initial stage but, finally rejected by the Council simply on the ground of belated move and, therefore, the applicant deserves sympathy and his circumstances are very much different from the facts as per case law referred on behalf of the respondents.

6. I find force in the submissions made on behalf of the applicant and remand the matter for re-consideration as per following directions;

"In case the applicant moves a fresh representation alongwith the copy of representation moved earlier within 2 months, the same be decided by the respondents within 3 months thereafter by passing detailed, reasoned and speaking order keeping in view the observation made above."

7. No order as to costs.