

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1299 of 1996

Allahabad this the 30th day of October, 2000

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

Brij Kishore Mishra, S/o Late Shri Ram Adhar  
Mishra, aged about 46 years, R/o Village-Bizapur,  
Jhangtaur, District Deoria.

Applicant

By Advocates Shri A.K. Pandey  
Shri B.N. Chaturvedi

Versus

1. Union of India through the Joint Secretary  
(Administration), Ministry of External  
Affairs, South Block, Room No.149-C, New Delhi.
2. Welfare Officer, Ministry of External Affairs  
Room No.504, Akbar Bhawan, New Delhi.

Respondents

By Advocate Shri Prashant Mathur

O R D E R ( Oral )

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

Shri Ram Adhar Mishra died in harness  
on 02.5.1995 while in the service of the respondents  
as Record Sorter. On the death of his father, the  
applicant-Brij Kishore Mishra applied on 03.7.1995  
for appointment on compassionate ground. He received  
a reply dated 14.12.1995, according to which his  
appointment as Peon was being considered in

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consultation with P.E. Section and the applicant will be informed when vacancies available for appointment on compassionate ground are ascertained. After waiting for sufficiently long time, when the ~~respondents~~ applicant did not further hear from the ~~respondents~~ applicant, he has come up before the Tribunal seeking relief to the effect that the respondents be directed to provide appointment on compassionate ground and also to produce the records of compassionate appointment made after 31.7.1995.

2. The respondents have contested the case and filed the counter-reply, mainly on the ground that the request of the applicant was carefully examined in consultation with P.E. Section and it was found that under rules, it was not possible to accede to his request. The respondents have also mentioned and furnished proof to the effect that this letter was despatched to the applicant on given address.

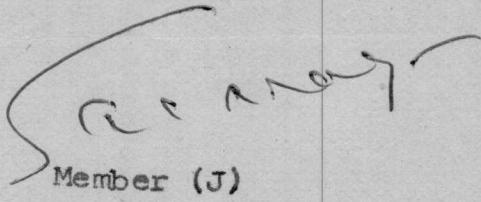
3. Heard, the arguments placed from either side and perused the record.

4. This O.A. was filed on 06.12.1996 with the prayer to direct the respondents to provide compassionate appointment to the applicant. The respondents have rejected the claim of the applicant vide order dated 31.3.1997 <sup>13.01.1997</sup> ~~31.3.1997~~ <sup>See</sup> ~~7.12.2000~~ (annexure C.A.-1), which has not been impugned

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by the applicant and no good reason has been shown to set aside this order. Under the circumstances, the relief sought for cannot be granted unless until good reasons are shown to set aside this order dated 31.3.1997 <sup>13.1.1997</sup> ~~31.12.1997~~, through which the claim of the applicant has been rejected.

5. Under the circumstances mentioned above, the O.A. is dismissed. No order as to costs.

  
Member (J)

Q/M. M. /