

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
ALLAHABAD

DATED : ALLD.ON THIS 3rd DAY OF FEBRUARY, 98.
CORAM: HON'BLE MR.DVRSG DATTATREYULU, MEMBER(J)

ORIGINAL APPLICATION NO. 429 OF 1996

Randhir Singh S/o
Late Shri Krishna Pal Singh,
R/o Village-Radhola,
Tehsil-Powanya
District-Shahjahanpur(UP).

..... Applicant

C / A : Shri K.M.L.Hajela

Versus

- (1) Union of India through the
Ministry of Defence, New Delhi.
- (2) The General Manager,
Ordnance Clothing Factory,
Shahjahanpur
- (3) Works Manager,
Ordnance Clothing Factory,
Shahjahanpur(UP).

..... Respondents

C / R : Shri Ashok Mohiley

O R D E R

(By Hon.DVRSG Datatreylulu, Member(J))

This application has been filed under Section 19 of Administrative Tribunals Act, 1985 praying to give direction to the respondents to appoint the applicant who happens to be the son of the deceased Late Shri Krishna Pal Singh on Compassionate ground. In nut cell the facts indicated would show that one K.P.Singh was appointed by Respondent No.2, as DURWAN and that person died on 03.03.1994 during the service. The applicant submitted an application to the respondent no.2 for consideration of his appointment on compassionate ground on the death of the

deceased employee, his father. It appears that Respondent no.2 has considered his application and passed the orders given in Annexure - A I stating that the request of the present applicant cannot be considered on compassionate ground. Hence, the applicant approached the Tribunal with a prayer to quash the order and given direction to Respondent No.2 for his appointment. Respondents submitted the facts in CA that the father of the present applicant was working as DURWAN under Respondent no.2 and died while in service but it is stated that the deceased was paid Rs.50,694/-towards terminal benefits. It is also stated that from time to time various instructions have been issued by the Government for appointment on compassionate ground. It is also further stated that the present case was not considered for apppointment on compassionate ground because a sum of Rs.50,694/-was paid to the deceased and,therefore,he is not covered under the necessary rules for appointment on compassionate ground and hence his application for appointment to a suitable post was not considered.

2. Heard the learned counsel for the applicant and respondents in the matter. It is necessary to refer to the necessary ingredients to attract the provisions for appointment to the post on compassionate ground, as the first requisite is dying-in-harness,(2) in immediate need of assistance. It is mentioned in the C.A.that a sum of Rs.50,694/-was already paid which was due to the deceased in the form of Provident Fund etc. and it was encashed. This goes to show that the deceased had not died in harness or in immediate necessity. Moreover, there is no immediate application also. Therefore, I do not find that this is a fit case to give any direction.

3. But if there is any application pending, it shall be disposed of within four months according to rules. The application is accordingly dismissed. No cost.

/snt/

3/2/95
MEMBER (J)