

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 03rd day of July 2001.

Original Application no. 568 of 1996.

Hon'ble Mr. SKI Naqvi, Member - J.

Bhim Sain Taneja,  
S/o late Sri Udai Bhan Taneja,  
R/o 193-C, Lal Bangla Road, P.O. Harjinder Nagar,  
KANPUR.

... Applicant

C/A Shri A. Srivastava  
Shri RC Sinha

Versus

1. Union of India, through Engineer-in-Chief's Branch,  
Army Head Quarter, Kashmir House, DHQ,  
NEW DELHI.
2. Chief Engineer, Central Command, Lucknow 226 002.
3. Chief Engineer, Air Force Bamrauli,  
ALLAHABAD.
4. Commander, Works Engineer, Air Force Chakeri,  
KANPUR.
5. Garrison Engineer, B/R, Chakeri, Kanpur.

... Respondents

C/Rs Shri P. Mathur

ORDER (Oral)

Hon'ble Mr. SKI Naqvi, Member-J

On the death of Udai Bhan Taneja in harness  
on 9.7.1982, the applicant Shri Bhim Sain Taneja moved  
for appointment on compassionate ground to look after

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the family in distress after the death of sole bread earner. When the grievance was not redressed by the department concern he preferred OA 612 of 1987 which was decided on 7.7.1992 with the direction that either the applicant or his younger brother who so ever found entitled, be appointed on compassionate ground. In compliance of this direction, the authorities in the respondents establishment proceeded with the matters and came to the stage when the board examined the position and found the applicant B.S. Taneja to be fit for appointment to the post of LDC but unfortunately or unfortunately the matter was not further proceeded under covers of Tribunal's order dated 2.9.1992 in OA 783 of 1987 filed by this very applicant namely B.S. Taneja. Where in it was directed to consider the claim of the younger brother of the applicant i.e. the second son of the deceased, for appointment in his place and, therefore, the department proceeded to consider the case of younger brother of the applicant and as per CA-1 dated 18.10.1993 the documents for compassionate appointment of Shri Mahendra Kumar Taneja, the second son of the deceased and younger brother of the applicant have been called for to consider him for appointment on compassionate ground. But the matter could not be further proceeded as Shri M.K. Taneja did not co-operate by submitting the required documents. Being aggrieved to this position the applicant has come up with this OA with the prayer that the respondents be directed to appointment him

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on the post of LDC.

2. The respondents have contested the case, filed counter affidavit with the specific mention that in view of subsequent order of the Tribunal rendered by the same bench on the application of Shri BS Taneja who was the applicant in earlier OA no. 612 of 1987 and the subsequent OA 783 of 1997, the process to consider and appoint the applicant had to be dropped and ~~proceeds to consider~~ ~~after considering~~ the case of MK Taneja, ~~was duly examined, which is not in issue~~ ~~here~~.

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

4. The main controversy, whether the order passed in earlier OA 612 of 1987, decided on 7.7.1992, remains in force after the decision in subsequent OA 783 of 1987 rendered on 2.9.1992, which is also by the same applicant and rendered by the same bench. In OA 612/1987, the Tribunal directed to appoint either the applicant or his younger brother, wherein in the subsequent order, the Tribunal directed to consider the claim of younger brother of the applicant. It is quite clear that both these OAs ie. 612 of 1987 and 783 of 1987 were preferred by the applicant BS Taneja and both these OAs have been decided by the same bench consisting of Hon'ble Mr. Justice UC Srivastava, VC

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and Mr. K. Obeyya, A.M. and, therefore, subsequent judgment, <sup>Supersedes</sup> is to be taken in supersession to the earlier one. It cannot be the case where the bench may not be in know of the order passed earlier in the similar matter where the parties, the counsel and the bench was the same.

5. With the above position, in view the applicant cannot press for his compassionate appointment in view of the Court's direction in OA 783 of 1987 and, therefore, the relief sought for cannot be granted. The OA is dismissed accordingly. No order as to costs.

*Selvaraj*  
Member-J

/pc/