

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Original Application No. 1015 of 1997
Transfer Application no.

Date of Decision 7th July '99

A.K. Singh

Applicant(s)

Sri Anant Vijay
Counsel for the Applicant

Counsel for the
Applicant(s)

VERSUS

Union of India & others

Respondent(s)

Sri S.K. Anwar

Counsel for the
Respondent(s)

CORAM

Hon'ble Mr. S.L. Jain Member

Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to yes see the judgment ?
2. To be referred to the Reporters or not ? yes
3. Whether their Lordship wish to see the fair copy of No the judgment ?
6. Whether to be circulated to all Benches ? No

PIYUSH

(SIGNATURE)

PIYUSH/

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 7th day of July 1999

Original Application no. 1015 of 1997.

Hon'ble Mr. S.L. Jain, Judicial Member.

Ashok Kumar Singh, S/o Late Shri Basant Singh, R/o Village
Imiliha Ghat, Post Cantt, District - Varanasi.

... Applicant

C/A Shri Anant Vijay

Versus

1. Union of India through Secretary, Ministry of Water Resources, Shram Shakti Bhawan, New Delhi.
2. Chief Engineer and Member Central Ground Water Board, N.H. - IVth, Faridabad, Haryana.
3. Assistant Administrative Officer, Head Quarter Office, Central Ground Water Board, N.H. - IVth, Faridabad, Haryana.
4. Executive Engineer, Central Ground Water Board, Division III, Zoo Road Gauhati-24.

... Respondents.

C/R Sri S.K. Anwar.

....2/-

S.L.J.

O R D E R.

Hon'ble Mr. S.L. Jain, Member-J.

This is an application under section 19 of the Administrative Tribunals Act, 1985, for a direction to the respondent no. 2 to consider the case and appoint the applicant on compassionate ground.

2. The applicant is the son of late Shri Basant Singh who was permanently appointed as a Mechanic in Gauhati, died in harness on 22.12.94 leaving behind two unemployed sons, Shri Ashok Kumar Singh, the applicant and Shri Sushil Kumar Singh, three unmarried daughters, Km. Sushila, aged about 21 years, Km. Sita, aged about 18 years and Km. Meeta, aged about 14 years and widow Smt. Krishna Devi. The mother of the applicant moved an application for appointment for her elder son - the applicant on compassionate ground on 24.01.95, through proper channel to the respondent no. 2 (annexure A 1), which was referred to respondent no. 1 for necessary action on 16.02.95 vide annexure A 2, again representation dated 09.03.95 (annexure A 3) to the respondent no. 2, another representation dated 05.05.95 to respondent no. 1 (annexure A 4) which was replied vide annexure A 5 dated 18.07.95 and in compliance of the same the applicant gave the under-taking on 16.07.95 to respondent no. 3 vide annexure A 6. On 10.04.96 the reminder was sent by registered post for early consideration, but no proper steps were taken. Hence, a further representation dated 28.08.96 to respondent no. 3 annexure A-8, further reminder dated 09.04.97, 05.08.97, 05.09.97 and the applicant was told orally that his appointment on compassionate ground is not possible in the department.

SLJ

3. The applicant's case in brief is that though the application was complete in all respect, yet respondent no. 3 further asked to give an undertaking on oath which makes allegable for compassionate appointment, the respondents assured him orally for the same, but ultimately refused the same. His family is in immediate need for assistance as there is no source of income and is on the verge of starvation

4. Uday Shanker Chaurasia and Vinay Kumar Srivastava were appointed on compassionate ground, violating article 14 of the Constitution of India. Hence, this O.A. for the above said relief.

5. The respondents denied the said allegations, resisted the claim of the applicant stating on oath that on the death of Basant Singh, C.G.I.S insurance amount Rs. 35598/-, gratuity Rs. 50568/-, leave encashment Rs. 2209/- and family pension Rs. 860/- permonth with D.A. in all Rs. 2900/- permonth. G.P.F. final payment has been made to the mother of the applicant, Smt. Krishna Devi. Before considering the case for compassionate appointment, all the papers necessary are required to be completed and only complete case can be considered, hence applicant was asked to submit the undertaking vide office O.M. dated 16.07.95, the Meeting of Screening Committee constituted by the Competent Authority to consider the cases of compassionate appointment are held annually. The compassionate appointment can be made up to a 5% of the vacancies falling during year of the recruitment of quota in Group 'D', to the case of the applicant was considered by the Screening Committee, of

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due to non availability of sufficient number of vacancies, he could not be appointed, his name was circulated by the Ministry to all the Ministries, Departments for making appointment vide O.M. no. 25/23/94-GW dated 04.10.96. Hence paryed for dismissal of the O.A.

6. The applicant in his rejoinder affidavit denied the allegation levelled against him, restated the facts mentioned in the O.A.

7. By perusal of the pleadings of the parties, specifically the averments to the effect that due to non availability of vacancies for compassionage appointment, the request of the applicant could not be considered, makes it clear that the applicant was entitled for compassionate appointment.

8. The case of Uday Shanker Chaurasia was considered by the Screening Committee on 04.02.97 and V.K. Srivastava on 21.05.94. The Screening Committee considered the cases keeping in view the vacancies occurred in the year and further relevant factor at the time of meeting.

9. Due to abolition of 532 posts, the respondents could not make compassionate appointment of the applicant.

10. In the above circumstances the respondents ought to have kept list of persons eligible for compassionate appointment and provide the appointment in the order of seniority on the availability of vacancies.

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11. In the result the O.A. is allowed and the respondents are directed to keep the name of the applicant on the list of persons entitled for compassionate appointment and provide the appointment in order of seniority on the availability of vacancies.
12. No order as to costs.

S.1011-
Member-J

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