

OPEN COURT.

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD.

Original Application No.1370 of 2001.

Allahabad this the 17th Day of October 2003.

Hon'ble Mr. Justice R.R.K. Triyedi, V.C.

Raj Kumar Singh Chauhan
son of Late Sri Rambir Singh Chauhan,
aged about 26 years, Resident of
Village Deona, Post Office- Kokumpur,
District Etah (U.P)

.....Applicant.

(By Advocate : R.K. Singh Chauhan)

Versus.

1. Union of India through
Secretary Ministry of Defence
New Delhi.
2. Deputy Lt. General of Military
Farms Q.M.G.,s Branch Army Head Quarters
West Block-III, R.K. Puram, New Delhi-
110066.
3. Director of Military Farms Head Quarters,
Central Command, Lucknow.
4. O.I.C. Military Farms,
Namkum, Ranchi.

.....Respondents.

(By Advocate : Sri G.R. Gupta)

O_R_D_E_R

By this O.A., filed under section 19 of
Administrative Tribunals Act, 1985, the applicant has
dated
challenged the order/20.11.2000 by which the name of
the applicant was deleted from the waiting list for
providing the compassionate appointment.

2. The facts of the case are that the father of the
applicant was serving as Upper Divisional Store Keeper
(In short U.D.S.K) at Namkum, Ranchi under the Ministry
of Defence as Civilian non-gazetted staff and was bearing



personal No.8060499. Late Sri Rambir Singh Chauhan fell ill and died on 3.8.1997 at Military Farms Namjum, leaving behind his widow, two sons and two married daughters and one unmarried daughter. An application was filed by applicant for being provide compassionate appointment which was entertained. Applicant's claim was found justified and his name was included in the waiting list. He was further given temporary appointment from 17.11.1997 as Milk Urter in Military Farm. The applicant continued to work as Milk Urter for about 6 months thereafter his engagement was terminated by the impugned order the name of the applicant has been deleted from the waiting list.

3. Sri R.K.Singh Chauhan learned counsel for the applicant has submitted that once the respondents were satisfied about the circumstances prevailing in the applicant's family that they ~~are~~ required help and the name of the applicant was included in the list, and he was also given temporary appointment, the view taken in the impugned order that the name cannot be continued in the waiting list for more than one year is illegal and arbitrary. It is submitted that respondents have failed to consider the difficult circumstances in which family of late Rambir Singh Chauhan is living. The order is arbitrary and the name of the applicant has been deleted without giving any opportunity of hearing.



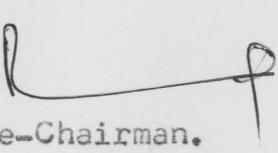
4. Sri G.R. Gupta learned counsel for the respondents, by order dated 02.06.2003, was directed to produce the Government order No.140 H/23/99/Asstt. (D) dated 3.12.1999 on which basis the impugned order has been passed. However, the learned counsel for the respondents has not been able to produce the order, though sufficient opportunity was given. The tribunal could not have ^{the} ~~the~~ aforesaid benefit ~~of~~ going through the ~~order~~ before passing any order. However, considering the facts and circumstances that once the name of the applicant was included in the waiting list, ^{and} ~~Prima-facie~~ shows that respondents were convinced about indigent circumstances of the family of late Sri Rambir Singh Chauhan and thus for taking contrary view, an opportunity ought to have been given to the applicant so that he could have got opportunity to show that the circumstances have not changed. The contrary view could be taken by the respondents only on change of circumstances. In the impugned order nothing has been said that the circumstances in the family have changed. ^{and} ~~Now~~ they do not need any kind of trial. In my view, matter requires re-consideration by respondents after giving opportunity of hearing to the applicant.

5. For the reasons stated above, the O.A. is allowed. The impugned order dated 20.11.2000 is quashed.



The name of the applicant shall be continued in the waiting list for appointment on compassionate ground in Military Farm and the name of the applicant shall not be removed from the list except in accordance with law and after giving him reasonable opportunity of hearing.

6. There will be no order as to costs.



Vice-Chairman.

Manish/-