

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 30th April, 2004.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.

O.A. No. 443 of 2004.

Abhinav Anand, aged about 26 years S/O Sri Anand Swarup Lal
C/O Sri S.B. Sarkari, Sarkar Ghar, Mohalla-Mohan Lalpur, P.S.
Tiwariipur, Gorakhpur.....

.....Applicant.

Counsel for applicant : Sri R. Srivastava.

Versus

1. Commissioner, Administration Kendriya Vidyalaya Sangathan,
New Delhi.
2. Assistant Commissioner Regional Office, Kendriya Vidyalaya
Sangathan, Aliganj, Lucknow.
3. Principal, Kendriya Vidyalaya, Air Force Station, Gorakhpur
.....

.....Respondents .

Counsel for respondents : Sri D.P. Singh & Sri N.P. Singh.

O R D E R (ORAL)

BY HON. MRS. MEERA CHHIBBER, J.M.

The grievance of the applicant in this case is that his mother was a permanent teacher in Kendriya Vidyalaya, Air Force Station, Gorakhpur. She unfortunately died on 12.11.2000 leaving behind the applicant, the son and her husband, who is a retired person since 1999. Since applicant has passed B.Com. and was eligible for being appointed in the Sangathan, he submitted the proforma for employment on 12.9.2001 for compassionate appointment under dying in harness rules (Annexure-1). It is submitted by the applicant that even though the authorities had assured the applicant that his case will be considered but till date neither he has been given any reply nor his case has been decided. He ^{has} therefore, filed the present O.A. seeking the following reliefs :-

- "a) to issue an order or directing, commanding the respondents to give compensatory appointment to



the applicant under principles of dying in harness and under Central Government Servants Rules, in the interest of justice.

- b) to issue an order or direction commanding the respondent's authorities to decide the representation dated 10.3.2003 of applicant expeditiously.

2. Counsel for the respondents submitted that the proforma for compassionate appointment does not seem to be correct and it is neither acknowledged by the office of the respondents nor any date is mentioned on the said proforma. Therefore, they do not even know whether any such application has been given by the applicant or not. As far as Annexure No.2 is concerned, it has been given by the husband of Late Smt. Kiran Swaroop, i.e. the mother of the applicant. The same position is with Annexure No.3. He, therefore, submitted that if applicant is interested, he should at least give a proper application with proforma with all the details which are required for compassionate appointment so that his case may be considered in accordance with law.

3. It is well settled by now that the courts cannot give any direction to the respondents to give appointment on compassionate ground. It is for the authorities to consider the case in accordance with the instructions and the guidelines which may be available with them. In the instant case since the applicant has not been able to show any letter written by him, which is duly acknowledged by the respondents, ~~therefore~~ I think that it would be better if the applicant is asked to give a proper application in proper proforma along with all the details to the competent authority within a period of two weeks from the date of receipt of a copy of this order. In case applicant gives such application, the respondents shall consider the same and pass appropriate orders thereon according to law and the instructions available on the subject. *within a period of 3 months thereafter*

4. With the above direction, the O.A. is disposed of with no order as to costs.

Asthana/


J.M.