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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1459 of 2005.

Allahabad, this the 8<sup>th</sup> day of December, 2005.

Hon'ble Mr. D.R. Tiwari, Member (A).

Prabhat Singh, son of late Vijai Bahadur Singh,  
Resident of Beladi, Post Office Ranipur,  
District Basti, Presently residing at Arajil Chaura,  
Post Office Unaula, District - Gorakhpur. ...Applicant.

(By Advocate : Shri D.P.Srivastava)

Versus

1. The Union of India, through Secretary,  
Ministry of Finance, Department of Custom and  
Central Excise, New Delhi.
2. The Commissioner, Central excise, Allahabad.
3. The Administrative Office (Establishment-I),  
Central Excise, Allahabad.
4. The Additional Commissioner (P&V),  
Central Excise, 117/7, Sarvodaya Nagar, Kanpur.
5. The Assistant Commissioner,  
Custom, Gorakhpur Region, Gorakhpur.
6. The Deputy Commissioner (P&V),  
Central Excise, Allahabad. ...Respondents.

(By Advocate : Shri S. Singh)

ORDER

This application has been filed for making the appointment on compassionate ground. The applicant's father died while in service from Custom Department on 2.3.1996. Thereafter, the applicant made a request and after various correspondence, the department informed him that his appointment on compassionate ground could not be made on account of <sup>non-</sup>availability of the vacancy. It has been alleged that though the vacancy is available but his case was not considered.

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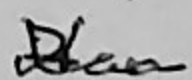
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2. The counsel for the applicant has submitted that he will be satisfied if the representation of the applicant for appointment on compassionate ground is considered and decided by a reasoned and speaking order. It has also been submitted that vide letter dated 30.12.2003 (Annexure-9), the department has itself suggested that a post in T.A. cadre may be created to accommodate the applicant. However, nothing has been done to appear so far.

3. I am of the view that without going into the merit of the case and without calling for counter affidavit, this case can be disposed of at the admission stage itself <sup>and</sup> the interest of justice will be better served if the respondents are directed to consider and decide the representation of the applicant by a reasoned and speaking order within a stipulated period of time. The applicant is also given liberty to file a fresh and detailed representation within a period of 14 days to avoid any further delay.

4. Under the circumstances, the OA is disposed of with a direction to the Respondent No.2 to consider and decide the representation of the applicant pending with them earlier and fresh one which is to be filed by the applicant by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

No order as to costs.

  
Member-A

RKM/