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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 18th day of MARCH 2005

Original Application no. 314 of 2005

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman

Atul Bharati, S/o late Shri R.C. Bharati,
R/o Balmiki Colony, Near Hathi Khana,
Distt : Rampur

...Applicant

By Adv : Sri R. Verma & Sri N.K. Singh

V E R S U S

1. Union of India through Secretary,
Ministry of Human Resorce & Development
Govt. of India, Shastri Bhawan,
NEW DELHI.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh Marg,
NEW DELHI.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Salwaala, Hathi Barkala,
DEHRADUN.

...Respondents

By Adv: Sri N.P. Singh

O R D E R

By Justice S.R. Singh, VC.

Heard Sri R. Verma and Sri N.K. Singh, learned
counsel for the applicant and Sri N.P. Singh, learned
counsel for the respondents.

2. The applicant's father, who was employed in the
respondents establishment, died in harness on
21.8.2003. The applicant's claim for compassionate

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appointment has been rejected vide order dated 2.7.2004, which reads as under:

“केन्द्रीय विधालय संगठन
क्षेत्रीय कार्यालय
सालावाला हाथीबड़कला
देहरादून- 248001

पत्रांक- 21-15/2003/केविस/द.क्षे/13522

दिनांक 02.07.04

सेवा में,
प्राचार्य
केन्द्रीय विधालय
हट्टानी।

विशय: श्री अतुल भारती पुत्र स्वगीय श्री राकेश चन्द्र, पूर्व प्रयोगशाला परिचारक को अनुकम्भा के आधार पर नौकरी देने बाबत।

महोदय,

उपरोक्त विश्यान्वत्वात् आपके पत्र संख्या केवि/2003-04/5 दिनांक 17.01.04 के सन्दर्भ मे श्री अतुल भारती, पुत्र स्वगीय श्री राकेश चन्द्र को वर्ग 'घ' के लिए अनुकम्भा के आधार पर नौकरी देने के लिए सक्षम अधिकारी द्वारा सहानुभूतिपूर्वक विचार किया गया परन्तु सम्भव नहीं हो सका। श्री अतुल भारती को सूचित करा दे।”

3. Having heard the learned counsel for the parties I am of the view that the order impugned herein cannot be sustained for a simple reason that it is a non speaking & cryptic order. The reason why it is not possible to give compassionate appointment to the applicant on a Group 'D' post has not been disclosed in this order.

4. Accordingly, the OA succeeds and allowed. The impugned order dated 2.7.2004 is set aside. The

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matter is remitted back to the Competent Authority, namely Commissioner, Kendriya Vidyalaya Sangathan, New Delhi to take appropriate decision in respect of the applicant's claim for compassionate appointment by means of reasoned and speaking order within a period of three months from the date of receipt of copy of this order.

5. There shall be no order as to costs.

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Vice-Chairman

/pc/