

(C1) 12/1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

O.A.No. 360 of 1987

Tarak Nath Gupta.....Applicant

Versus

Asstt. Director S.I.S.I.
and others.....Respondents

Hon'ble Mr. Justice, U.C. Srivastava, V.C.

Hon'ble Mr. B.S. Gorthi, A.M.

(By Mr. Justice, U.C. Srivastava, V.C.)

The appointment of the applicant was to be made only on compassionate ground in place of his father who was working as Machine Operator Extension Centre Dhanbad in the office of the Industries. The applicant's father died in the year 1966 without completing the full tenure of term of service. When his father died, the applicant was aged 10 years. His father died in harness leaving behind three minor sons and four minor daughters. According to the applicant his mother contacted the authority for his appointment. They were told that the question of appointment on compassionate ground will arise only when the applicant attained the majority. The applicant has placed on record the application allegedly sent by his mother through registered post in this behalf in the year 1975. Similarly the applicant has placed on the record his application which also allegedly sent through registered post. The applicant attained majority in the year 1974. Thereafter he failed to apply for the same. The respondents have denied for moving any such application by the applicant's mother and according to them the first application in this behalf was of the year 1984 in respect of which some official movement has taken place and

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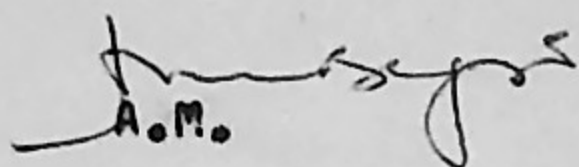
one such letter has been placed on the record. The applicant passed his High School examination in the year 1973, Intermediate in 1976 and Graduate in 1979 whereafter they also made efforts to get employment. The respondents have rejected the prayer of the applicant on the ground that he waited for 19 years after the death of his father for compassionate appointment which cannot be given as well as the applicant comes forward for the same. The applicant will have come forward for the same after attaining the majority and he came to the department much thereafter as such he was not entitled to compassionate appointment and his application was rightly rejected. It may be that there is a rule that the compassionate appointments are given as a result of the welfare ^{of the Government} of the Government in view of the directive principles of State policy. It may be that in order to curb ^{such} such tendencies a particular ^{limit} character for each and every person be made to apply when a particular limit has been placed. But the limit can always be not in suitable cases otherwise the minor will be debarred for all times to come, in case relaxation to 5 years be made. In case the application was moved in the year 1975-77, the applicant deserves consideration. It could not have been rejected on the ground, it has been rejected. The rejection should have been on some other grounds which would have been related to the matter but this is not so. Accordingly the respondents are directed to consider the applicant's application for appointment on compassionate ground after ^{clearing} associating and stating the main doubts regarding sending of the application by the applicant and his mother in the year 1975-77

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calling him for the said purpose along with its receiving and in case they are satisfied that in fact such application was sent, they should seriously consider his application for appointment on compassionate ground and if the applicant succeeds in proving that the application was moved on such a ground in the year 1975-77, the appointment be given to him within three months thereafter on some suitable posts taking into consideration his qualification and age. The application stands disposed of finally in these terms.

No order as to the costs.

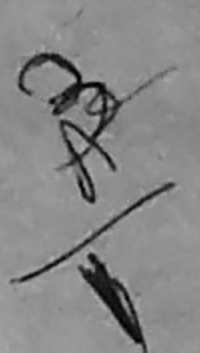

A.M.


V.C.

Dated: 24th Jan., 1992

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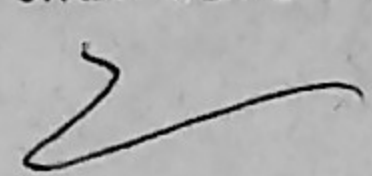
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O.A.No.360/87

28-5-92.

Hon. Mr. K. Dbayya, A.M.
Hon. Mr. S.N. Prasad, J.M.

Learned Counsel for the respondents,
Amit Sthalekar, has moved a misc.
application seeking further four
months' time to implement judgment of
the Tribunal dated 24-1-1992. List
this case for 4-8-1992.


J.M.


A.M.

4-8-92

++0 Sitting. Adjourned
to 28-9-92 for overless.

Bar.

28-9-92

Heard - Mr. Justice U.C. Sinastana, V.C.
Heard - Mr. K. Dbayya, A.M.

OP.

This is an application for
extension of time to implement
our judgment and order
dated 24-1-92. Nine months
have passed and the judgment
has not been implemented.
On 28-5-92, three months' further
time was granted and even
then the judgment has not
been implemented. The respondents
have not given any statement
regarding their bonafide and
efforts. But ~~any~~ ^{any} how, the
time is extended upto 31-10-92
for orders.

(49)

A.M.