

(7)
RJX

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 647 of 1987

Ajmer Singh

..... Applicant

Versus

Union of India and Ors.

..... Respondents

CORAM:

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

Hon'ble Mr. K. Obayya, Member(A)

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

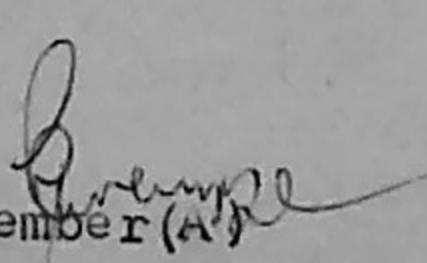
The applicant's father was employed in the Military Engineering Services as a driver. He died on 29.6.85 while he was in service as a result of an accident. The applicant's mother moved an application for compensation under the workman compensation Act. The said application is reported to be still pending.

2. In their return, the stand taken by the respondents is that he died his natural death. The applicant moved an application for giving appointment on compassionate ground in place of his father who died in harness, but no decision in respect of the same was taken and he was not given any appointment. Ultimately after waiting considerable time the applicant filed this application in the month of July, 1987. Five years have passed but it

appears that nothing has been done so far. Nothing concrete has been done so far and in order to put up the matter he was asked to submit certain papers.

3. The respondents ~~have been~~ further stated that the applicant has studied upto class VIII and as is evident from the School leaving Certificate which he filed after he was ~~asked~~ to do it. Even if the respondents have taken the plea that ~~is not~~ the variation ~~on~~ the certificate, it is not the matter to be decided. If it was not necessary for the respondents to give him appointment on the higher post, they could have ~~been~~ given him appointment for the lower post as the applicant has only prayed for compassionate appointment. So far as whether the applicant's father died ^a ~~in~~ natural death or he died due to accident is a matter which is to be decided under Compensation Act, but one thing is certain that he died while he was in service. It was a fit case in which a compassionate appointment should have been given.

4. Accordingly, the respondents are directed to give a compassionate appointment to any post on which he can be given appointment. Let it be done within a period of three months. His case for compassionate appointment will be considered with effect from the date he moved the application and not with effect from today. No order as to the costs.



Member (A)



Vice Chairman

Dated: 24th Nov: 1992

(Uv)