

in harness on 10.11.1987. The applicant's mother Smt. Gulaba Devi, on 21.3.1990 addressed an application to the Additional Surveyer, Map Publication ( Respondent No. 2) praying therein that a suitable appointment on compassionate ground may be given to the applicant. On 24.3.1990, a communication was sent by the Additional Surveyer General to the applicant's mother stating therein that it appeared that three of the sons of the lady( except the applicant) who already ~~was~~ employed in Government Service . She was, therefore, called upon to explain as to why the applicant should be given <sup>an</sup> appointment. On 30.3.1990, Smt. Gulaba Devi sent a reply stating therein that she was dependent upon the applicant alone. Thereafter, on 24.1.1991, the Additional Surveyer sent a communication to Smt. Gulaba Devi stating therein that the matter had been forwarded to the Director, Surveyer General of India who, in turn raised the objection: " It may also be indicated as to how the family is managing or has managed after the death of the deceased employee and whether it has indeed fallen into indigent circumstances, warranting compassionate assistance". On 28.1.1991, Smt. Gulaba Devi sent a communication along with the details of the assets and liabilities of her late husband. According to these documents, her husband received Rs. 10,687/- towards C.G.E.G.I.S., Rs. 3246 towards G.P.F. and Rs. 27583 towards D.C.R.G. , the total Rs. 41,516/-. It also shows that the applicant has spent Rs. 5,000/- approximately on funeral rites ~~and~~ Rs. 35,000/- approximately on marriage of my daughter and Rs. 1500/- on cloths etc. She has stated that the family pension amounting to Rs. 477/- is only the source of her livelihood and her son ( the applicant) is unemployed . On 9.9.1991, the Additional Surveyer of India wrote back to the applicant's mother <sup>that</sup> after due consideration ~~of~~ the file containing the prayer that the applicant may be given <sup>a</sup> suitable ~~appointment~~ ~~on compassionate ground~~

appointment had been **closed**. Thereafter, the applicant's mother again made a representation and finally on 27.2.1992, she was informed by the Additional Surveyer that he did not consider the case of the applicant fit enough to be forwarded for the consideration of the Surveyer General of India.

5. That applicant has come up to this Tribunal after the receipt of the aforementioned order dated 27.2.1992 of the Additional Surveyr General of India.

6. It appears from the correspondence that ensued between the applicant's mother and the department, that the Surveyer General of India is the competent authority to deal with the application for giving <sup>a</sup> suitable employment to the applicant. As already indicated, the Surveyer General had made certain queries which had been replied by the applicant's mother. In the normal course, the reply given by the applicant's mother should have been forwarded to the Surveyer General of India as he was ~~was~~ in seisin of the mother. The Additional Surveyer has no jurisdiction to **detain** the application given by the applicant's mother. The result is that the authority competent to decide the matter has not given an opportunity to apply his mind on the request made by the applicant's mother. The Additional Surveyer ~~had~~ had no jurisdiction to close the case of the applicant.

7. This application succeeds in part. The Assistant Surveyer General is directed to forward the papers along with the **explanation** offered by the applicant's mother to the Surveyer General of India within a period of 2 months from the date of receipt of a certified copy of this order by

- 4 -

him from the applicant. Thereafter, the surveyor General of India shall dispose of the matter by a speaking order within a period of 1 month from the date of the receipt of the papers from the Additional Surveyor General of India. He shall communicate his order within a period of 10 days from the date of passing of the same to the applicant.

8. The applicant is permitted to send a certified copy of this order to the Additional Surveyor General of India by registered post.

9. This application is finally disposed of with these directions. There shall be no order as to the costs.

*Singh*  
Vice-Chairman

Dated: 20.11.1992  
(n.u.)