

Reserved:

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 1091 of 1992

Mahd. Ayub

..... Petitioner

Versus

Union of India and Ors

..... Respondents

CORAM:

HON'BLE MR. JUSTICE R.K. VARMA, V.C.

(By Hon. Mr. Justice R.K. Varma, V.C.)

By this petition filed Under Section 19 of the Administrative Tribunals Act 1985, the petitioner has claimed appointment on compassionate ground on the post of Lower Division Clerk. The petitioner's father late Shri Sharifullah was working as Supervisor B/S Gr. I under the respondent no.2, as a civilian employee. He died in harness on 9.9.88 leaving behind his wife, 5 employed sons and 2 unmarried daughters. The widow of the deceased made representation to the respondents for giving suitable appointment to her son, the petitioner, as the family was in indigent circumstances. More than two years after the death of the deceased a communication dated 9.10.90 (Annexure A2 to the petition) from the respondent no.2 was received by the deceased's widow intimating her that her son's name is registered in the waiting list at sl. no. 78 for the post of LDC. Apparently the waiting list is for giving appointments on compassionate grounds.

R.K. Varma

2. It was submitted on behalf of the petitioner that almost 3 years have passed since the intimation received from the Respondent No.2 that the petitioner's name is registered in the waiting list at sl. no. 78 for compassionate appointment to the post of LDC and yet the petitioner

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has not been given any appointment.

3. The respondents in their reply have not given any details about the deaths of the employees whose family members were in the waiting list. The law laid down by the Supreme Court in the case of 'Smt. Sushma Gesain and Ors. Vs. Union of India and Ors(A.I.R 1989(SC) 1976) emphasizes that the appointment on compassionate ground should be provided immediately to redeem the family in distress and it is improper to keep such cases pending for years. If there is no suitable post for appointment, supernumerary posts should be created to accommodate the petitioner.

4. Having heard the learned counsel for the parties and having considered the fact that the petitioner was already on the approved waiting list of the respondents for appointment to the post of LDC on compassionate ground as far back as 9.10.90, I find it to be a fit case for applying the principle laid down in the case of 'Smt. Sushma Gesain and Ors(Supra).

5. Accordingly, this petition is allowed. The respondents are directed to appoint the petitioner on a suitable post within a period of three months from the date of receipt of this order.

6. There shall, however, be no order as to costs.

R. K. Verma
Vice Chairman

Dated: August 30th, 1993

(Uv)