

(4)
Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 27th day of November 1997.

Original Application no. 310 of 1994.

Hon'ble Mr. S. Dayal, Administrative Member.

Doodh Nath, S/o Shri Hari Narain, r/o Village Nagtara,
Post-Andhau, District-Ghazipur.

.... Applicant

C/A Shri Mahendra Pratap

Versus

1. Union of India.
2. Finance Secretary, Govt. of India, New Delhi.
3. Chief Controller, Govt. Opium & Alkloids Factory, 10-C,
Haridwar Colony, Murar, Gwalior-6 (M.P.)
4. Narcotics Commissioner of India, 19 Mal Road, Murar,
Gwalior-6 (M.P.)
5. General Manager, Govt. Opium & Alkloide Factory,
Ghazipur, U.P.

.... Respondents

C/R. Km. Sadhana Srivastava.

ORDER

Hon'ble Mr. S. Dayal, Member-A.

This is an application under section 19 of the
Administrative Tribunals Act, 1985.

2. The applicant seeks the setting aside of order
dated 08.09.93 and a direction to the respondents to appoint
him in service on a suitable job in place of his father

who died in harness. He has also made request for award of the cost.

3. The facts as stated by the applicant was that his father was appointed as semi skilled labour by the respondents on 26.11.95 and died on 01.02.91 while working on the same post. The applicant himself moved an application on 11.09.91 for compassionate appointment in place of his ~~father~~ who died in harness. AS the respondents did not reply. The applicant moved an application before the Central Administrative Tribunal on 20.09.93. Although the applicant had mentioned that he was filing true copy of application made before the Central Administrative Tribunal dated 20.09.93 as annexure ~~filed copy of~~ A-3, he has actually ~~a~~ letter written by him to the manager Govt. Opeium Factory, Ghazipur stating that he was informed that his application has been rejected and seeking the reasons for rejection of the application.

4. Arguements of Shri M. Pratap learned counsel for the applicant and Km. Sadhana Srivastava, learned counsel for the respondents have been heard.

5. The respondents in their counter affidavit have mentioned that the amounts of D.C.R.G, G.P.F and insurance were paid to the applicant and his brother. The respondents have admitted that the application for compassionate appointment was received from the applicant. But he has not given details of his immovable and movable properties and he was illiterate and did not have qualification of 8th STD passed in order to qualify for appointment as worker. He should have passed class 8th Std. He has also been mentioned that he born in 1957. The respondents have also mentioned that it was found out in inquiry that the mother of the applicant

6

// 3 //

had predeceased his father and that there were 2 houses and 10 bighas of agricultural land and a tractor for agriculture in the name of the applicant and his younger brother. His younger brother was also running a private school in the village which had 250 students which was upto class 8th. Although the applicant had challenged the laying down of an educational qualification for the post of worker and has mentioned that most of the persons employed as workers are illiterate, it is not necessary to give a finding on this plea as it is clear from the reply filed by the respondents that the family of the deceased employee was not left in indigent circumstances and compassionate appointment in the case of the applicant was not warranted by the circumstances. The applicant seems to have made application under the impression that if an employee died in harness his dependents had necessarily to be given employment. This is neither the intention nor the objective of Govt. orders regarding compassionate appointment. The application is, therefore, dismissed as lacking merits.

6. There shall be no order as to costs.



Member-A

/pc/