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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 9th day of October, 2000

Original Application No.312 of 1994

CURAM:-

Hon'ble Mr. Rafiquddin, J.M.

Suresh Yadav S/o Sri Ram Prasad Singh,

R/o Village-Ramnathpur,

Post-Gosandeypur, Distt-Ghazipur.

(Sri Mahendra Pratap, Advocate)

. Applicant

Versus

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

(Km. Sadhna Srivastava, Advocate)

. . . Respondents

O R D E R (Open)

By Hon'ble Mr. Rafiquddin, J.M.

By means of this application, the applicant seeks a direction to the respondents to appoint him on any suitable job on compassionate ground in place of his father Late Ram Prasad Singh, who died in harness on 3-10-1991.

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2. Late Ram Prasad Singh was employed as Semi-Skilled Worker in the Government Opium Alkoloide Factory, Ghazipur, who expired on 3-10-1991 in a road accident. Smt. Kalawati Devi widow of the deceased applied for appointment of her son in the Factory on the post of LDC/Sub Inspector on compassionate ground. The case ^R ~~case~~ of the applicant was forwarded to the competent authority, namely, Narcotics Commissioner, Gwalior by the Chief Controller, Govt. Opium & Alkloid Factory, Gwalior in the month of December, 1991. The application of the applicant was, however, returned by the aforesaid authorities with the remark that since the services of the deceased were not governed by CCS Rules, the case of the applicant cannot be considered for appointment ground in the Central Bureau of Narcotics. The case of the applicant was, however, under consideration of the Chief Controller of Factories, Gwalior and information to this effect was conveyed to Smt. Kalawati Devi, the mother of the applicant.

3. I have heard ^{/Sri BS Yadav, proxy counsel for} ~~/Sri~~ Mahendra Pratam, counsel for the applicant and Km. Sadhna Srivastava, counsel for the respondents and also perused the record carefully.

4. It is not in dispute that the deceased emply^R was merely a semi-skilled worker. The applicant has claimed appointment as LDC/Sub Inspector. The services of Late Ram Prasad were not governed by CCS Rules and being semi-skilled, his service is governed by the Industrial Disputes Act. The applicant, therefore, cannot claim as a matter of right for appointment on compassionate ground on the post of LDC/Sub Inspector. It is, however, not disputed by the respondents that the applicant is

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liable to be appointed in the Factory on compassionate ground and his case is under consideration before the competent authority of the Factory. The UA is, therefore, disposed of with the direction to the respondent no.5 the General Manager, Govt. Opium & Alkaloids Factory, Ghazipur, U.P. to consider the case of the applicant to appoint him on some suitable post and pass appropriate orders within three months from the date of communication of this order. There shall be no order as to costs.

Rafiqul Hasan
Member (J)

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