

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the ^{30th} ~~29th~~ day of July 1996.

Original application No. 999 of 1994.

Hon'ble Mr. D.S. Baweja, AM

Kamleshwar Prasad, S/o Late Sri
Munni Ram, R/o Village Badasi,
P.O. Khand via Chiniyali Saur,
District Uttar Kashi.

..... Applicant.

C/A Sri Rajendra Dobhal

Versus

1. Union of India through M/o
Defence, New Delhi.
2. The Director, Northern Circle,
Survey of India, (GBO Compound),
Dehra Dun, U.P.
3. The Commanding Officer, 307 D.S.C.
Platoon, Attach Survey of India,
Dehra Dun.
4. The Commanding Officer, 501, Field
Engineer, Araghar, Dehardun.
5. The Records Officer, Raksha Suraksha
Corps. Abhilekh, Defence Security
Corps, Records Mill Road, Cannanore.

..... Respondents.

C/R Sri N.B. Singh

O R D E R

Hon'ble Mr. D.S. Baweja, AM

This application has been filed praying for
issue of direction to the respondents to appoint the applicant
in suitable post on compassionate ground.

Contd...2....

2. The applicant has stated his case as follows. The applicant's father Sh. Munni Ram was appointed as Civilian Cook in 501 Field Engineer Group. He was transferred from this Group to 307 D.S.C. Platoon, Survey of India, Dehra Dun in 1991. On 7.4.91 Sh. Munni Ram expired. After the death, the widow made an application dated 16.5.91 to respondent No. 3 i.e. Commanding Officer 307 D.S.C. Platoon attached to Survey of India, Dehra Dun requesting for compassionate appointment to her son who is the applicant in this application. This was followed by reminder dated 3.8.91. The widow also made representations dated 3.8.91 to respondent No. 2 i.e. Director Northern Circle, Survey of India, Dehra Dun and dated 26.9.91 to respondent No. 5, Records Officer, Raksha Suraksha Corps. Cannanore. The respondent No. 5 wrote to respondent No. 3 to settle the case advising that the responsibility to settle all such cases is with the concerned unit and therefore the application of the widow has been forwarded for necessary action. Thereafter the widow followed up with respondent No. 3 through application dated 1.1.92. The respondent No. 3 in turn wrote to respondent No. 2 vide letter dated 6.1.92 to consider the case of the compassionate appointment. The respondent No. 3 also wrote a letter to Head Quarter Dehra Dun Sub Area U.P., requesting to consider the case of the compassionate appointment. Vide letter dated 11.2.92, the respondent No. 3 asked the widow to send the requisite certificates and declaration from the applicant that he will look after his mother even after marriage and other documentary evidence regarding movable and immovable property. The details were sent by the applicant vide letter dated 10.4.92. Thereafter the widow followed up the matter with Head Quarter Dehra Dun Sub Area. In the meantime the respondent No. 3 also reminded respondent No. 2 about the position of the

dealing of the case of the compassionate appointment. The Joint Director D.S.C. H.Q. U.P. Area Bareilly also advised vide letter dated 24.9.92 to widow that she should approach Survey of India for appointment of her son on compassionate appointment. She again approached respondent No. 3 vide letter dated 9.11.92. Thereafter respondent No. 5 vide letter dated 10.3.93 again informed respondent No. 2 that the responsibility for giving compassionate appointment rests with respondent No. 2. However respondent No. 2 referred the case back to H.Q. Dehra Dun Sub Area for advice as to who has to consider the case. The widow again made representation vide letter dated 25.3.93 to respondent no. 2. Widow ~~again~~ ^{also} vide letter dated 25.6.93 wrote to respondent No. 2 followed by representation dated 7.8.92 to respondent No. 4. Last letter was dated 24.3.94 written by respondent No. 2 to Maha Sarvekshak of India. After making repeated representations to the various respondents as brought out above the case of compassionate appointment was not considered and being aggrieved this O.A. has been filed on 27.5.94.

3. On behalf of the respondents, the counter has been filed only by respondent No. 2 i.e. Director Northern Circle Survey of India. None of the other respondents have filed the counter although the learned counsel for the respondents indicated that the counter by the other respondents will be also filed. The rejoinder to the counter of respondent no. 2 has been filed by the applicant.

4. The counter filed by the respondent No. 2 only makes a submission that late father of the applicant was

never employed with respondent No. 2 and therefore the respondent No. 2 is not responsible for giving compassionate appointment. In view of this fact, the prayer has been made that the name of the respondent No. 2 may be deleted from the array of the parties as he is not the necessary party in this case.

5. Heard the learned counsel for the parties. We have also carefully gone through the material placed on the record.

6. From the facts brought out in para 2, the applicant's father died on 7.4.91 and widow made an application for compassionate appointment of her son i.e. the applicant on 16.5.91. Since then the widow i.e. mother of the applicant has been making repeated representation to the various respondents. From the vivid details ^{given} by the applicant, it is observed that the matter has been tossing between the various department as to who is to deal with the case of the compassionate appointment. In the process the applicant has been forced to seek legal relief by way of filing this application. On perusal of the correspondence brought on record by the applicant and details in para 2 between the respondents no. 2, 3, 4 and 5, I cannot help myself ^{but} to observe that it is sad commentary on the working of the concerned department, wherein the grieved widow who needed urgent help by way of appointment of her son to mitigate hardship caused by death of her husband had to run from one department to other with no result. It reflects the indifferent attitude and lack of compassion in dealing such matters by the concerned official, of the

Departments. This is also established by non filing of the counters by the respondents no. 1, 3, 4 and 5. It is for the Government to decide which Department has to deal with the case of compassionate appointment. On query raised during the hearing to the learned counsel for the respondent as to ^{the} which is the competent authority to consider the case, the learned counsel for the applicant indicated that the case of compassionate appointment would be considered by the respondent no. 4 and the necessary direction may be given to him.

6. In consideration of the above facts, I allow the application with the direction to the respondent no. 4 to consider the case of the applicant for compassionate appointment based on the application dated 16.5.91 as per the extant rules within a period of three months from the date of judgement. In case the respondent No. 4 is not the competent authority, then he will sort out the matter with other departments to indentify the competent authority for giving compassionate appointment but the matter will be decided within a period of three months as indicated above. In view of the background brought out above, the widow had been forced to go for litigation and therefore deserves to be compensated. I impose cost of Rs. 1000/- to be paid to the applicant by the respondents.

S. S. S.
Member - A

Arvind.