

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH,

ALIAHABAD

Dated: Allahabad this.....^{8th}.....day.....^{May}.....19⁹⁶

CORAM: Hon'ble Mr T.L.Verma, Member (J)

ORIGINAL APPLICATION NO.4820F 1995

Yashwant Kumar Vishwakarma son of
Late Sri Manik Chandra Vishwakarma,
resident of 117/42, Khuldabad, Allahabad,
District Allahabad -

APPLICANT

(By Advocate Sri Rajendra Dobhal)

Versus

1. Union of India through Ministry of
Defence, New Delhi through its Secretary

2. The Commandant,
508, Army Base Workshop,
Allahabad Fort - 211005

3. The E.M.E, Records
Secunderabad (A.P.)

4. The D.G.E.M.E. Army Headquarters,
New Delhi - 11 -

Respondents

(By Advocate Sri N.B. Singh)

OR D E R

(By Hon'ble Mr T.L.Verma, Member (J))

This application has been filed for issuing
a direction to the Respondent to appoint the applicant
on any suitable post on compassionate grounds.

2. Father of the applicant Late Manik Chandra Vishwakarma was employed as blacksmith in 508, Army Base Workshop, Allahabad Fort, Allahabad. He died in harness on 1.6.1989. The applicant claims to have submitted representation for his appointment on compassionate grounds. The Respondent No. 2 by his letter dated 21.2.90 informed the applicant that his name has been registered at Serial No. 178 by E.M.E. Records, Secundrabad (A.P.) in their waiting list and it is expected that in 2 and 3 years his turn for appointment may come up. As no appointment letter was issued, the applicant again filed representation dated 26.3.93. The Respondent No. 3 thereafter again informed the applicant by letter dated 2.4.93 that his name now stands at Serial No. 16 and that he may have to wait for the vacancy to occur. No appointment order has, however, so far been issued appointing the applicant, hence this application for the relief mentioned above.

3. The Respondents have appeared and filed and contested. In the Counter Affidavit filed on behalf of the Respondents, it has been stated that after examining the case of the applicant for appointment on compassionate ground the matter has been referred to higher authorities for sanction. Since the proposal has not been rejected, the applicant has no cause of action for the application.

4. We have heard the Counsel for the parties and have perused the records. The applicant has filed Annexure-3 copy of the application submitted by him to the Commandant, 508, Army Base Workshop, Allahabad Fort, Allahabad, for appointment on compassionate ground. In Paragraph No. 2 of the said application, it has been stated that Late Manik Chandra Vishwakarma died leaving behind him his widow, three unmarried and unemployed sons and four unmarried daughters. From the pleadings and other materials on record, it is clear that there is no other earning members in the family of the deceased Government Servant. It was argued on behalf of the applicant that there is no other source of income to cater the basic need of the large family left by the deceased Govt. Servant. These assertions made by the Counsel for the applicant have not been controverted by the Respondents.

5. The applicant has filed copy of letter dated 4.8.93 from 508, Army Base Workshop, Allahabad Fort, Allahabad. From the perusal of the letter and from other material on record it is absolutely clear that the Respondents have acknowledged the claim of the applicant for appointment on compassionate ground by registering his name in the waiting list for providing employment to such category of the applicants.

6. In addition to the above, the large family left by the deceased Government Servant and the meager amount of family pension she is getting is hardly sufficient

for catering their basic requirements. In my opinion there is adequate evidence of penurious condition of the family of the deceased Govt. servant. I am, therefore, satisfied that this is a fit case in which compassionate appointment should be provided to the applicant to tide over sudden financial crises resulting from sudden death of only bread winner of the family.

7. In view of the above, I direct the Respondents to take a decision on the request of the applicant for compassionate appointment and in case he is otherwise found fit, he may be offered a suitable appointment within a period of three months from the date of communication of this order.

J. H. Jain
Member (J)

RJ