

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 26th day of February 1997.

Original Application no. 507 of 1995.

Hon'ble Mr. S. Dayal, Administrative Member

Paras Ram, S/o Late Sri Mangali Ram,
R/o 117/164 'L' Naveen Nagar, Kakadeo,
Kanpur.

... Applicant.

C/A Sri M.K. Updhayaya

Versus

1. Union of India, Ministry of Finance, Indian Ordnance Factories, Field Gun Factory, Kalpi Road, Kanpur, through its General Manager, Office situated at Field Gun Factory, Kalpi Road, Kanpur.

... Respondent.

C/R Sri A. Mohiley

ORDER

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

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

The applicant seeks the relief of compassionate appointment as also the costs of this application.

The case of the applicant is that his brother employed as Cane Worker (SS) by the respondents died on 10.11.93 after service of more than twelve years. The

// 2 //

applicant received the dues payable on account of his brother's service as his brother's nominee. He has no source of livelihood and is now saddled with the responsibility of supporting his aged mother. The respondents have given a reply to him as he is brother of the deceased. He cites instance of Sri Latif Ahmad's brother, Sri Kishan Singh Meena's brother and Manik Bhattacharya's sister who were given compassionate appointment in similar circumstances. He prays for setting aside order dated 16.6.94 rejecting his request for compassionate appointment as it gives no reasons for rejection of his request.

The applicant's counsel has not filed any R.A. in this case inspite of grant of opportunities to do the same. He was not present when the case came up for hearing. Sri Ashok Mohiley, learned counsel for the respondents presented arguments on behalf of the respondents.

The counter reply filed in this case refers to Govt instructions contained in O.M. No. 14014/20/90-Estt (D) dated 9.12.93 of Deptt. of Personnel, Public Grievances and Pensions by which the provision for appointment of near relatives of deceased government servant dying in harness have been deleted and consideration of compassionate appointment to widow and natural or adopted son or daughter of deceased employee dying in harness has been provided for in the light of judgment dated 8.4.93 in the case of Auditor General of India and others Vs G. Ananta Rajeshwara Rao, (1994) 26 ATC 580. The representations made by the applicant at different times were rejected by orders dated 5.1.94, 4.3.94 and 16.6.94. The respondents have mentioned in the C.A. that the

// 3 //

cases cited by the applicant of appointments to brother or sister of a deceased employee pertained to period before the issuance of instructions dated 9.12.93 of the Deptt. of Personnel, Pension and Public Grievances mentioned earlier.

The application is, therefore, dismissed as lacking merits.

There shall be no order as to costs.

Sd/-
A.M.

Compaired
for

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.
Transfer Application No.

507/95

Date of decision 26-2-97

Pasas Ram

Applicant(s)

Sri M.K. Upadhyaya

Counsel for the
applicant(s)

V E R S U S

Union of India & Others

Respondent(s)

Sri A. Mohale

Counsel for the
respondent(s)

C O R A M :-

Hon'ble Mr. S. Dayal AM

Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordship wish to see the fair copy of the judgement ?
4. Whether to be circulated to all Benches ?

(SIGNATURE)

(Pandey)

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 26th day of February 1997.

Original Application no. 507 of 1995

Hon'ble Mr. S. Dayal, Administrative Member

Paras Ram, S/o Late Sri Mangali Ram,
R/o 117/164 'L' Naveen Nagar, Kakadeo,
Kanpur.

... Applicant

C/A Sri M.K. Updhayaya

Versus

1. Union of India, Ministry of Finance, Indian Ordinance Factories, Field Gun Factory, Kalpi Road, Kanpur, through its General Manager, Office situated at Field Gun Factory, Kalpi Road, Kanpur.

... Respondent

C/R Sri A. Mohiley

ORDER

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

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

The applicant seeks the relief of compassionate appointment as also the costs of this application.

The case of the applicant is that his brother employed as Canal Worker (SS) by the respondents died on 10-11-93 after service of more than twelve years. The applicant received the dues payable on account of his brother's service as his brother's nominee. He has no source of livelihood and is now saddled with the responsibility of supporting his aged mother. The respondents have given a reply to him as he is brother of the deceased. He cites instances of Shri Lalit Ahnwal's brother, Shri Kishan Singh Meena's brother and Manik Bhattacharya's sister who were given compassionate appointment in similar circumstances. He prays for setting aside order dated 16.6.94 rejecting his request for compassionate appointment as it gives no reasons for rejection of his request.

The applicant's counsel has not filed any R.A. in this case in spite of grant of opportunities to do the same. He was not present when the case came up for hearing. Shri Ashok Mishra, learned counsel for the respondents presented arguments on behalf of the respondents.

The counter reply filed in this case refers to Govt instructions contained in O.M. No. 14014/20/90 - Estt(D) dated 9-12-93 of Deptt of Personnel, Public Grievance and Pension by which the provision for appointment of near relative of deceased government servant dying in harness have been deleted and ~~confusing~~ consideration of compassionate appointment to widow and natural or adopted son or daughter of deceased employee dying in harness has been provided for in the light of judgment dated 8-4-93 in the case of Auditor General of India & Others vs G. Ananta Rajeshwar Rao, (1994) 26 ATC 580. The representations made by the applicant at different times were rejected by orders dated 5-1-94, 4-3-94 and

-3-

16.6.74. The respondents have mentioned in the C.A. that the cases cited by the applicant of appointments to brother or sister of a deceased employee pertained to period before the issuance of instructions dated 9-12-73 of the Deptt of Personnel, Pension and Public Grievances mentioned earlier.

The application is, therefore, dismissed ~~rejected~~ as lacking merits.

There shall be no order as to costs.


A.M.