

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 18th day of May, 2001.

Original Application No.1570 of 1999.

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

1. Dinesh Chandra Asthana,  
Son of Late Shyam Bihari Asthana,
2. Smt. Sushila Devi W/o Late Shyam Bihari Asthana,  
(Both residents of 87/11, Vijay Nagar  
District-Kanpur).

(Sri J.G. Upadhyaya, Advocate)

. . . . .Applicant

Versus

1. The Union of India through Secretary,  
Ministry of Defence, New Delhi.
2. The Director General Central Ordnance  
Factories, New Delhi.
3. The Addl. Director, Ministry of Defence  
(Ordnance Factories), Sarvodaya Nagar,  
District Kanpur Nagar.
4. The Commandant, Central Ordnance Depot,  
Kanpur Nagar.

(Sri S.C. Tripathi, Advocate)

. . . . .Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. SKI Naqvi, J.M.

As per applicant's case, the father of the applicant  
no. 1 and husband of applicant no.2 <sup>✓ namely Shyam Bihari Asthana</sup> died in harness  
on 27-7-1994 while he was in service as Foreman in  
the respondents' establishment. On the death of Shyam  
Bihari Asthana his family consisting of the applicants  
fell <sup>6</sup> indigent condition as Late Sri Shyam Bihari Asthana  
was the sole bread-earner for subsistence of Sri Dinesh  
Chandra Asthana (Applicant No.1) and Smt. Sushila Devi  
(Applicant no.2). It is also mentioned that the other

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son of the deceased is employed and is living separately with his family. The applicant being in distress applied for appointment on compassionate ground. The respondents entertained his request and passed intermittent orders for getting further required information and also intimating progress made on his request, but the applicant could not get relief and filed a writ petition before the Hon'ble High Court where a direction was issued to decide the representation. Therefore, the matter was hasten and Annexure-A-1 was passed on 22-6-1999 through which the applicant has been informed that as per existing policy the cases of such applicants cannot be considered for employment in relaxation of normal rules where a member of the family of the deceased is already employed and as per the <sup>Verification</sup> ~~modified~~ report, through the District Magistrate, Kanpur the elder son of the deceased is employed in C.I.B. Department and the application of the applicant has been disposed of accordingly. The applicant has come up impugning this order and the communication through orders dated 22-6-1999, 14-7-1999, 27-9-1999 as well as 18-10-1999 which have been annexed as Annexures-1, 2, 3 and 4 to the OA.

2. Heard learned counsel and perused the record.

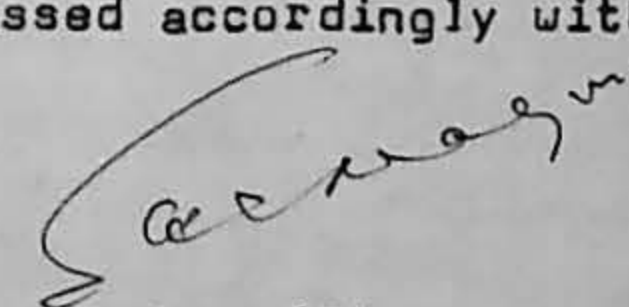
3. Learned counsel for the applicant mentions that it is right from 1994 that the applicant is running to get the employment on compassionate ground because of his pressing needs and distress on financial front. In reply Sri S.C. Tripathi, learned counsel for the respondents referred to para 6 of the counter affidavit where the position has been clarified with the submission that the applicant moved an application on 20-2-1997 and

*Per*



also rushed to the High Court and filed civil misc. writ petition no.20373/1999. The competent authority initiated necessary steps for compliance of the judgement of the Hon'ble High Court and the case of the appointment in relaxation of normal rules of recruitment of the applicant was put up before the board convened for selection of candidates for appointment in relaxation to normal rules of recruitment but the <sup>applicant's</sup> ~~candidate's~~ position amongst the 18 candidates was <sup>14</sup>15 and hence could not be selected due to limited number of vacancies and availability of more deserving candidates. It has also been mentioned that the applicant has already been paid a sum of Rs.90,000/- towards terminal benefits on death of the deceased employee and applicant no.2 is getting Rs.1900/- per month as family pension and, therefore, there cannot be indigent condition with so pressing needs as the position of the applicant demonstrated.

4. For the above, I find that the respondents have *done* <sup>put</sup> due exercise to decide the matter of the applicant and to provide him appointment on compassionate ground but because of restrain before them due to non-availability of post and comparative good financial status of the dependants of the applicants, his case <sup>could not</sup> ~~cannot~~ be decided <sup>favourably</sup> ~~severally~~. The OA is dismissed accordingly with no order as to costs.

  
Member (J)

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