

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 834 of 2000

Allahabad this the 27th day of April, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (KJ)

Sunil Kumar Dhawan, Son of Late Bishan Lal Dhawan,  
aged about 20 years, resident of Pushpa Kunj, Sainik  
Colony, New Kasampur, Meerut Cantt., Meerut-250001.

Applicant

By Advocate Shri O.P. Gupta

Versus

1. Commissioner, Custom Central Excise 38, M.G.  
Marg, Civil Lines, Allahabad.
2. Commissioner, Directorate of Preventive Operation  
Custom and Central Excise 4th Floor, 'A' Wing, Lok  
Naik Bhawan, Khan Market, New Delhi.
3. Union of India through Secretary, Ministry of  
Finance, Govt. of India, New Delhi.

Respondents

By Advocate Shri G.R. Gupta

O\_R\_D\_E\_R ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The sole bread earner of the family  
Late Shri Bishan Lal Dhawan died in harness on  
05.12.1997 and to maintain the family in distress,  
his son-Sunil Kumar Dhawan applied for appointment

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on compassionate ground, which was duly considered by the respondents and the progress communicated to the applicant vide letter dated 06.4.99, copy of which has been annexed as annexure A-1. Through <sup>in letter &</sup> this application the applicant has been informed that at that point of time there was no vacancy but his case has been registered, to be considered whenever any vacancy arises, <sup>and thereby it is to be</sup> his case ~~will~~ be taken up at <sup>its</sup> his turn, but the applicant could not have patience to wait indefinitely because of indigent condition of the family and he moved this O.A. for a direction to provide the appointment on compassionate ground at the earliest.

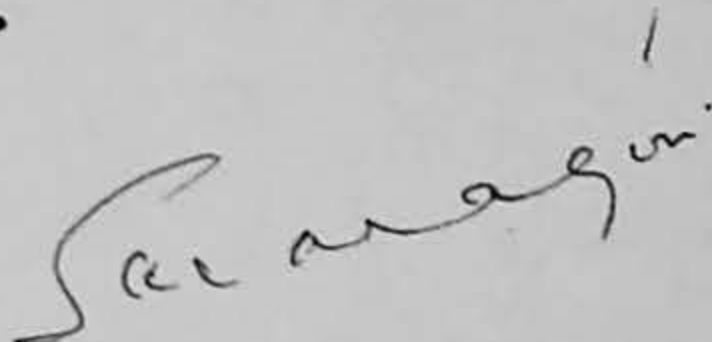
2. The respondents have contested the case and Shri G.R. Gupta, learned counsel for the respondents mentions that he has filed the counter-reply in the registry but the same is not on record, which means there is some slip anywhere. I could get assistance from the copy of the C.A. available with learned counsel for the respondents and the genuineness of the same is not disputed from the other side. There is mention in the third sub para of para-10 to the C.A. at page 4 that Commissioner, Central Excise, Kanpur has already been referred for taking up the matter with other ministries/department/office of the Govt. of India, <sup>as</sup> if the sufficient vacancies <sup>have not</sup> are ~~not~~ available with him in this cadre. Copy of the C.A. is being retained with record.

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3. Heard counsel for the parties and perused the record.

4. In the present matter there is no controversy to be resolved by any judicial order. The entitlement of the applicant, <sup>is and is</sup> his claim to be appointed on compassionate ground, has not been disputed by the respondents and they have gone a step ahead to search for suitable vacancy in other departments of ~~UetVe~~ Govt. of India and, therefore, the O.A. is decided with the observation that the respondents shall take care that the applicant <sup>will be</sup> ~~is~~ considered for appointment on compassionate ground at his turn and subject to his ~~entitlement~~ entitlement. No cost.



Member (J)

/M.M./