

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 919 of 2000

Allahabad this the 06th day of July 2001

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

Om Dutt Sharma, Son of Late Sri Jagdish Prasad Sharma, Resident of 368, Shiv Lok, Kankar Khera, District Meerut.

Applicant

By Advocate Shri Km. Renu Singh
Shri A.N. Ambasta

Versus

1. The Union of India through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. The Commandant, 510 Army Base Workshop, Post Box No.30, Meerut Cantt., Meerut.
3. The Director of Personnel, Army Headquarters, Kashmir House, New Delhi.

Shri G.R. Gupta, Respondents
By Advocate Shri R.C. Joshi.

O_R_D_E_R (Oral)

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

Shri Jagdish Prasad Sharma died in harness on 04.09.95 while working as Machinist in Army Base Workshop, Meerut Cantt, leaving behind him his widow, one male child and one married daughter. On the death of sole bread earner, the family came to indigent condition

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because of economic distress. The applicant moved for appointment on compassionate ground but the same has been declined vide impugned order dated 09.12.99, copy of which has been annexed as annexure-7 to the O.A..

2. The respondents have contested the case and filed the counter-reply.

3. Heard Km.Renu Singh, counsel for the applicant and Shri G.R. Gupta for the respondents.

4. A bare perusal of the impugned order dated 09.12.99 goes to show that most of the part of these orders has been covered by mention of rules and procedure in this regard and last few lines relate to the rejection of prayer of the applicant. It appears to be cyclostyled prepared order remitted after filling the name of addressee without a single whisper to show as to how it was applicable or applied for in the case of the applicant. No specific reason has been assigned for which this prayer has been refused, which does not serve the ends of justice. A person who could claim for some consideration on compassionate grounds out of his statutory right, it entails an obligation on the part of authority to assign the reasonable ground, if the prayer is not acceded and that becomes the statutory right of the person who applied for.

5. For the above, no judicial authority will approve the impugned order and the same is set aside accordingly.

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6. The respondents are directed to reprocess and consider again the claim of the applicant for compassionate appointment within a period of three months from the date of communication of this order and to pass detailed, speaking and reasoned order with copy to the applicant, if the prayer is not acceded to. The O.A. stands disposed of accordingly. No order as to costs.

See margin
Member (J)

/M.M./