

(6)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1084 of 2000

Allahabad this the 25th day of April, 2001

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

1. Chhedi Lal Singh Son of Late Babu Lal Chandel, resident of Village and Post Office Kalawara Bujurg Via-Pahari Tahsil Karvi, District-Chitrakoot.
2. Smt.Shushila Devi, Wife of Late Sri Babu Lal Chandel, resident of village and Post Office Kalawara Bujurg Via-Pahari Tehsil Karvi, District Chitrakoot.

Shri R. Khare, Applicants
By Advocate Shri B.P. Srivastava

Versus

1. Union of India through its Secretary, Ministry of Industry (Small Industries Services Institute) Government of India, New Delhi.
2. The Development Commissioner, Small Scale Industry, Nirman Bhawan, Maulana Azad Road, New Delhi.
3. The Assistant Director (Administration), Small Industries Services Institute, 107, Kalpi Road, Industries Palace, Kanpur Nagar.
4. The Assistant Director (Administration), Small Industries Services Institute A-208 Kamalanagar Agra.
5. The Assistant Director, Small Industry Services Institute, Extension Centre, Surajkund Road, Meerut City.

By Advocate Shri S.C. Mishra

O_R_D_E_R (Oral)

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

When father of the applicant was killed during the intervening night 14th and 15th August, 1986, the applicant was just a minor and, therefore, could not be appointed under dying in harness rules/scheme under compassionate appointment, but his mother remained in touch through intermittent requests. It was vide annexure A-8 dated 16.10.1990 that widow mother of the applicant was advised to move for appointment under scheme if her son has attained the age of 18 years and if not, then to contact the establishment when her sons attains the majority. Vide letter dated 14.7.93 (annexure A-9) the mother of the applicant reminded the respondents that her son has attained the age of majority and he be provided some post under compassionate ground. The course of the correspondence again started in between the parties and it was vide annexure Annexure-13 that the applicant's mother was informed that at that time no vacancy was available in Group 'C' and, therefore, the case of the applicant could not be taken up at that time and it was further mentioned that one Shri Udai Singh, the then U.D.C. was going to retire w.e.f. 31.7.1997 on his attaining the age of superannuation and then a vacancy will accrue w.e.f. 01.8.1997. The applicant and the other family members kept in waiting for any further communication thereafter

JCN

:: 3 ::

and when their patience exhausted, they came up through this O.A. for necessary directions to the respondents.

2. The respondents have contested the case filed counter-reply raising underlined objection with full emphasise that the matter has become so stale that it cannot be considered and has become barred by period of limitation in this regard.

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

4. From the facts and circumstances, it is found that the matter remained under active consideration of the respondents till the issue of letter dated 04.6.1997 (annexure-13) and by then the department hadid not take a decision that the case has become barred by period of limitation and through this letter there could be legitimate expectation on the part of the applicant that he may be appointed after 01.8.1997 when the vacancy was liable to accrue after retirement of Udai Singh on 31.7.1997 superannuation w.e.f. 31.7.1997 as clearly mentioned in para-3 of annexure-13. After issue of this letter dated 04.6.1997, the respondents kept silent and when the applicant filed O.A., they have come up with the plea of limitation, which cannot be accepted because family of the applicant was kept in waiting with quite good expectation for a long period of more than 11 years and when the matter

Corrected to say on the
 name of Counsel for applicant

S. K. Singh
 11.08.2001

See

became ripe for a decision, they brushed aside the same with a kick of limitation bar.

5. For the above the O.A. is allowed and the respondents are directed as under;

"Competent authority in the respondents establishment to take a decision in respect of appointment of the applicant on compassionate ground and pass order within four months from the date of communication of this order and in case the request of the applicant is not acceded, a detailed, speaking and reasoned order be passed covering all the relevant facts of the matter with a copy to the applicant."

6. No cost.

Sac Magan

Member (J)

|M.M.|