

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Dy.No.4819/02 IN ORIGINAL APPLICATION No. /2003

FRIDAY, THIS THE 24TH DAY OF JANUARY, 2003

HON'BLE MRS. MEERA CHHIBBER .. MEMBER (J)

Vijay Shankar Tripathi,
S/o Late Mahabir Prasad Tripathi,
R/o Village - Jiyanpur, Post-Veerampur,
District-Sant Ravidas Nagar Badohi. .. APPLICANT

(By Advocate Shri Surendra Prasad)

Versus

1. Union of India, through
Development Commissioner (Handicraft),
Ministry of Textiles,
New Delhi.
2. Director,
Central Region,
O/o Development Commissioner (Handicraft),
B-46, J.P. Park, Mahanagar Extension,
Lucknow
3. Assistant Director
(Finance and Accounts),
O/o Development Commissioner
(Handicraft),
Carpet Weaving Training-cum-Service Centre,
469/3, Vijay Park, Extension,
Dehradun.
4. Deputy Director (Administration),
O/o Development Commissioner (Handicraft),
P.Division-7, Ramakrishna Puram,
New Delhi. ... RESPONDENTS

(By Advocate Shri R.C. Joshi)

ORDER

The applicant has filed this O.A. seeking a direction to the respondents to appoint the applicant as a Class IV employee on compassionate grounds or in the alternative to consider the representations filed by the applicant for compassionate appointment.

...2...



2. It is submitted by the applicant that his father late Shri Mahabir Prasad Tripathi was working as Inspector in the office of Respondent No.3. He died on 14.8.1995, while in harness. After the death of the father, the mother of the applicant submitted an application to Respondent No.3 for compassionate appointment in favour of the applicant which was duly forwarded by Respondent No.3 on 30.6.1997. Thereafter, vide letter dated 17.12.1998, the respondents asked the applicant's mother to give the status of the family (page 25). The respondents again sought certain more clarifications and asked the applicant's mother to give reply to the queries raised in their letter dated 20.4.1999 (page 32). It is submitted by the applicant that his mother gave her reply to both the letters, the latest reply is on page 34 which is said to have been given on 28.4.1999 ^{thereafter} itself. But, the respondents have not passed any order on the application given by the applicant's mother. He has submitted that the family of deceased is passing through financial crises and at least the respondents ought to have considered his case and passed appropriate orders in accordance with law. But, since the respondents have not even passed any final orders on his request, he had no other option, but to approach this Tribunal by filing this O.A.

3. The applicant has also filed an application M.A.4742/2002 for condonation of delay on the ground that after the death of his father, they had given an application for compassionate appointment which was duly forwarded by Respondent No.3 and when the authorities had asked the applicant's mother to give further details on the queries raised by them, the same ^{Also kept} was given thereafter ~~but~~ since no reply had been given, the applicant approached the officers and ^{was} ~~has been~~ informed that the matter is

B

still pending with Respondent No.1. Accordingly, he has prayed that the delay in approaching the Court may be condoned in the interest of justice ^{and} ~~and~~ he is only wanting consideration by the respondents about his application. Since, the grievance of the applicant is that ~~the~~ respondents have not even considered his case so far, nor have given any final reply to him, I think, the delay needs to be condoned, as, after all he does have a right of consideration and that cannot be denied to him. Therefore, M.A. No.4742/02 is allowed. Registry is directed to give number to the O.A.

4. I have seen the respondents have put queries to the applicant's mother by their letters as mentioned above which were duly replied to by the applicant's mother and it is stated by the applicant that thereafter, no reply has been given to the applicant.

5. The respondents' counsel prayed for time to file the counter affidavit. But, since the respondents have not passed any final orders so far, as alleged by the applicant, I think, no purpose would be served by calling the reply from the respondents as I feel that this kind of applications should be disposed of at the admission stage itself by giving a direction to the respondents to consider the claim of the applicant as per the scheme formulated by the Government of India and pass necessary ^{speaking R} orders in accordance with law within a period of three months from the date of receipt of a copy of this order under intimation to the ~~application~~ ^{applicant}. ⁹²

6. With the above direction, the O.A. is finally disposed of. No costs.



MEMBER (J)

psp.