

(Court No. III) Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Original Application No. 96 of 2002.

this the 5th day of February 2002.

HON'BLE MR. RAFIQ UDDIN, MEMBER(J)
HON'BLE MR. C.S. CHADHA, MEMBER(A)

Laxmi Narain Maurya, S/o late Basant Ram, R/o Village & Post Rohi, Tehsil Gyanpur, District Sant Ravi Das Nagar, Bhadohi.

Applicant.

By Advocate : Sri S.P.B. Pandey.

Versus.

1. Union of India through Secretary, Ministry of Commerce & Industries, Department of Commerce, Directorate General of Foreign Trade, Udyog Bhawan, New Delhi.
2. Zonal Joint Director, Office of Foreign Trade New C.G.O. Bhawan, New Marine Lines, Charch Gate, Bombay.

Respondents.

By Advocate : Sri P. Krishna.

ORDER (ORAL)

RAFIQ UDDIN, MEMBER(J)

This application has been filed by the applicant, who is the son of late Basant Ram. The father of the applicant died on 12.9.1975, while he was serving as Licence Officer in the office of the respondent no.2. The applicant ~~was~~ ^{had} submitted an application seeking appointment on compassionate ground before the respondent no.2 on 2.1.1976, a copy of which has been annexed as Annexure no. 1 to this O.A. The applicant also received a reply from the respondents in the first week of January '77 requiring him to submit the attested copies of High School marksheets and the certificate from a Institute showing the typing speed. The applicant accordingly submitted the copies of the certificates on 5.6.77. The applicant claims that since June '77, he has been making representations to get

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employment, but nothing has been done. Aggrieved from inaction on the part of the respondents, the applicant filed O.A. no. 1202/98 before this Tribunal, which was disposed of on 10.10.2000, a copy of which has been annexed as Annexure no.3 to this O.A. The applicant submitted a copy of the order dated 10.10.2000 before the respondent no.2 in the month of November 2000 by letter dated 2.11.2000. The respondents vide their letter dated 7.2.2001 passed the impugned order in compliance of the order passed by this Tribunal, by which the prayer of the applicant for appointment on compassionate ground has been rejected, on the ground that the applicant had failed to submit the necessary documents required in the year 1976 and since the applicant has been able to maintain his family for such a long period, his case for appointment on compassionate ground is not made-out. The relevant part of the order dated 10.10.2000 passed by this Tribunal in O.A. no. 1202/98 reads as under :

"In para 5 of the RA there is a mention that "when the applicant personally visited the office which was in kind enough to look into the record with regard to compassionate appointment of the applicant. It revealed that in view of earlier application, applicant was given appointment as early as on 21.12.1997. The record showing the appointment is available in the office unfortunately the said appointment letter was neither received by the applicant nor he could have any knowledge of such appointment ..." (grammatical and typographical mistake in the original, have been mentioned above with correction as pointed-out by learned counsel for the applicant.)

2. With the above position, I find that the relief sought for by the applicant in the O.A. has already been provided by the respondents, if under some circumstances he could not avail the same, he may approach the department concerned for which no direction is needed. The departmental authority may consider the matter sympathetically."

2. It has been contended by the learned counsel for the applicant that this Tribunal had given the findings to the effect that the applicant was given appointment as early as on 21.12.1997, hence the applicant was directed to approach the department for which no direction is needed. We do not find that there was any direction given by this Tribunal as stated by the learned counsel for the applicant. As a

matter of fact this Tribunal had simply quoted para 5 of R.A. filed by the applicant and the observation was made to the effect that the applicant should approach the department for his appointment and there was no necessity for issuing any such direction.

3. We find from the perusal of the impugned order that the respondents ^{have} ~~had~~ denied having received the required documents from the applicant. Even-if, it is assumed that the required documents were submitted by the applicant before the respondents, we failed to understand as to why the applicant ~~had~~ ^{has} ~~was~~ kept mum till the year 1998. Therefore, the observation of the respondents to the effect that no appointment can be made on compassionate grounds, where the applicant had maintained his family for a such long period without ^{Re} getting any appointment from the respondents. ^{is justified.}

4. In view of the above, we find no merit in the O.A. and the same is dismissed. No costs.


MEMBER (A)


MEMBER (J)

GIRISH/-