

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1130 OF 2002

ALLAHABAD, THIS THE 30th DAY OF APRIL, 2004

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

Raees Ahmad
son of Shekh Anees Ahmad,
r/o 45, Bara Baghara, Telliarganj,
Allahabad.

.....Applicant

(By Advocate : Shri B Prasad)

V E R S U S

1. Union of India through Principal Accountant General, Dayanand Marg, Allahabad.
2. Dy. Accountant General(Administration) Accountant General's office, Uttar Pradesh Allahabad.
3. Senior Accounts Officer, Administration Main Branch, Accountant General (P & A) Ist Allahabad.

.....Respondents

(By Advocate : Shri S. Chaturvedi)

O R D E R

By this Original Application applicant has sought a direction to the respondents to appoint the application without any further delay on compassionate grounds.

2. It is submitted by the applicant that applicant's wife Smt. Sabina Raees was working as L.D.C. in the office of Accountant General Allahabad, and she died on 30.05.2000 leaving behind her husband who is graduate and unemployed. Since applicant was totally dependent on the deceased employee as



she was the sole bread earning member in the family, therefore, he applied for compassionate appointment vide application dated 28.06.2000, which was followed by number of reminders but since no reply was being given to him, he filed O.A. No.367/01 which was ultimately decided on 27.04.2001 by directing the respondents to decide the representation of the applicant within 3 months by passing a reasoned and detailed order(Annexure-6). Inspite of Court's direction, respondents passed the order on 09.08.2001 by simply stating that due to non availability of vacancies, his case is deferred and would be considered on the availability of vacancies in future(Pg.28). Thereafter another order was passed on 12.06.2003 whereby applicant was informed that his case has been rejected for compassionate appointment. Thereafter, vide letter dated 13.11.2003 applicant was once again called to appear before the selection board on 01.12.2003 in the chamber of Senior Dy. Accountant General (Works & VLC) office of the Accountant General along with the relevant documents for compassionate appointment. But till date no reply has been given to the applicant.

3. Grievance of the applicant is that even though applicant is being informed that there are no vacancies but respondents are indeed giving appointment to the other persons, which according to him shows that the case of applicant has been rejected without any valid justification. They have thus, submitted

4. Respondents have opposed this O.A. and submitted that in December 2001 all 32 cases pending for appointment on compassionate ground were considered by the D.P.C. while only 3 vacancies were available for the purpose. The D.P.C. after considering the financial position, family circumstances, family liabilities and other relevant matters and taking into consideration the rules position and also orders from time to



time by the Govt. of India and Comptroller & Auditor General of India rejected 18 cases but out of all 32 cases and only 3 most genuine and deserving cases were recommended by the D.P.C. for consideration of appointment on compassionate ground. The 11 cases including the case of the applicant were deferred for consideration in the next year 2002. Again during the panel of 2002 total 14 pending cases for appointment on compassionate grounds were considered by the D.P.C. in December 2002 and only 4 most genuine and deserving cases were recommended for appointment. They have, thus, submitted that there is no merit in the O.A. the same may accordingly be dismissed.

5. I have heard both the counsel and perused the pleadings as well.

6. It is unfortunate that inspite of direction given by this Tribunal to dispose off the representation of the applicant by passing a reasoned and speaking order, respondents still did not pass the speaking order and have forced the applicant to come to the court once again unnecessarily. I have repeatedly been holding that whenever a representation is given to the authorities, the least that is expected from the department is to pass a reasoned and speaking order so that applicant knows the reasons for rejection of his claim. In case reasoning given is valid, he can be satisfied with it without coming to the court again. Even Hon'ble Supreme Court has repeatedly held that whenever a representation is given to the authorities concerned, they must pass the speaking order. In the instant cast, it is seen not only the case of applicant has been rejected in a stereo type manner but the last letter addressed to the applicant on 13. 11.2003 shows that he was called upon to appear before the selection board on 01.12.2003 for compassionate appointment but no orders seem to have been passed by the respondents thereafter. In these circumstances, I think ends of justice



// 4 //

would be met if this O.A. is remitted back to the authorities, with^a_λ direction to pass a detailed and reasoned order pursuant to the letter dated 13.11.2003 as they had themselves called the applicant to appear before the selection committee for compassionate appointment. This should be intimated to the applicant and should be complied with~~in~~ within a period of 3 months from the date of receipt of a copy of this order. We do hope that at least now respondents would understand the meaning of speaking and reasoned order and pass appropriate order after considering all the relevant factors which are required to be taken into consideration while deciding the case of compassionate appointment.

7. With the above direction, this O.A. is disposed off with no order as to costs.



Member (J)

shukla/-