

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1118 of 2003

Allahabad this the 27th day of August, 2004

Hon'ble Mr. Justice S.R. Singh, Vice Chairman

Ankesh Kumar Varma, Son of Late Shri Ram Das Varma,
Resident of 357/4 J1, Behind State Bank of India,
Civil Lines, Jhansi (U.P.).

Applicant

By Advocate Shri Sanjay Kumar

Versus

1. Union of India through its Secretary, Ministry of Personnel Public Grievances and Pension, New Delhi.
2. Director Indian Grassland and Fodder Research Institute, Gwalior Road, Jhansi.
3. Managing Director, Indian Grassland and Fodder Research Institute, Krishi Bhawan, New Delhi.

Respondents

By Advocate Shri B.B. Sirohi

O R D E R (Oral)

Ram Das Verma-the father of the applicant was in the service of the respondents in the capacity of Technician Grade-II 3. He absconded on 01.06.1994 and a F.I.R. was lodged on the basis of ^{which} Case Crime No.323/94 under Sections No.364, 504 and 506 I.P.C. ^{was registered} at the relevant police station. It appears that whereabouts of the applicant's father-Ram Das could not be known for a considerable period. The applicant filed a civil suit being Suit No.293/01 Ankesh Verma

Vs. Km. Kalpana Verma and another for ^a decree to declare the civil death of his father. The Civil Judge Junior Division, Jhansi by the Judgment dated 28.10.2002 declared the Civil death of applicant's father-Ram Das Verma. The applicant staked his claim for compassionate appointment.

2. The legal position well settled is that ^{where the question is} whether a man is ^ralive or dead, and it is proved that he has not been ^hheard of for seven years by those, who would naturally have heard of him if he had been alive, the burden of proving that he is alive is ~~shifted~~ to the person who affirms it. Provision to this effect is contained in Section 108 of the Evidence Act. A decree ^{of this} ~~to this~~ effect declaring the civil death of Ram Das Verma-father of the applicant, has also been granted by the Civil Court (Junior Division) in the present case. In case applicant's father - Ram Das Verma would not have attained the age of superannuation within 7 years of his disappearance, the applicant would be entitled to be considered for compassionate appointment.

3. In view of the above facts and circumstances, it would be expedient in the interest of justice to dispose of this O.A. with a direction to the competent authority to consider the applicant's claim for compassionate appointment in accordance with law on merits as if his father died in harness, provided, of course, that applicant's father would not have attained the age of superannuation within 7 years of his disappearance. With these observations, O.A. is disposed of at the admission stage.