

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1252 OF 2003
ALLAHABAD THIS IS THE 7TH DAY OF JANUARY, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Miss Poonam Singh Yadav,
d/o late Jhalphali Singh Yadav,
presently residing at near Singh Automobile,
service (Petrol Pump), Mundera Chungi,
P.O. - Dhumanganj,
District- Allahabad.

.....Applicant

(By Advocate Chandrajeet Yadav)

Versus

1. Union of India,
by its Secretary,
Ministry of Defence,
New Delhi.
2. Engineer-Chief,
Military Engineering Service,
Kashmiri House,
New Delhi.
3. Chief Engineer,
Central Command,
Dilkusha Road, Lucknow.
4. Chief Engineer (Air Force),
Military Engineering Service,
Bamrauli, Allahabad.
5. Commander Works Engineer,
Military Engineering Service,
Bamrauli, Allahabad.
6. Garrison Engineer (Air Force),
Military Engineering Service,
Bamrauli, Allahabad.

.....Respondents

(By Advocate Shri R.C. Joshi)



O R D E R

By this O.A. applicant has sought the following reliefs:-

"(a) The Respondent no.6 be directed to appoint the applicant on the post of Lower Division Clerk (Class III Post) underlying in harness rules/ on extreme compassionate ground.

(b) The respondent n.1 to 5 may be directed to instruct/order to respondent no.6 to immediately call the applicant for appointment on the post of Lower Division Clerk (Class II Post) underlying in harness rules.

(c) Respondents be directed to appoint the applicant in Class III post immediately under dying in harness rules or grant any other equitable relief to solve the financial crisis of the applicant and deceased's family on the facts and circumstances of the case.

(d) award cost of the application to the applicant."


2. It is submitted by the applicant that her father Late Shri Jhalphali Singh ~~was~~ was appointed as permanent employee on the post of Junior Engineer (Civil). After he had met an accident on 21.08.2001 he died on 12.09.2001. He died in harness leaving behind his widow, two sons and two daughters. The elder son is married and employed ^{is} in Indian Army but he is living separately with his wife at Bareilly. Therefore, there is no person to look after the legal heirs of Late Shri Jhalphali Singh Yadav. The other children namely younger son and the younger daughter ~~are~~ are studying whereas the applicant has completed her BSC first year at Allahabad University. Since they have no other source of income, applicant applied for compassionate appointment with the permission of other members of the family.

3. The grievance of the applicant in this case is that even though she had submitted all the papers as required by



the authorities but till date respondents have not even considered her application nor have given any reply to her, therefore, she has prayed for the reliefs as mentioned above.

4. Counsel for the respondents was seeking time to file reply. It is seen that notices were issued on 23.10.2003 but till date respondents have not filed any reply. Grievance of the applicant in this case is that respondents have not even considered her request for compassionate appointment. Even though it is settled by now that courts cannot give any direction to the respondents to grant compassionate appointment to an individual but definitely, if a person has given a representation or application for grant of compassionate appointment he or she has a right of consideration and it is incumbent on the part of the respondents to at least consider the same and give a reasoned reply to the applicant. In the instant case, since respondents have not even given any reply to the applicant, I do not think any purpose would be served by giving time to the respondents to file the reply as at the first instance respondents have to decide the representation after applying their mind to the given facts, therefore, I am of the considered view that this case can be disposed of at the admission stage itself by giving a direction to the respondents to consider the claim of applicant keeping in view, the various factors which are relevant for grant of compassionate appointment and to pass a reasoned and detailed order under intimation to the applicant within a period of three months from the date of receipt of a copy of this order. If applicant is still aggrieved by the said order it would be open to her to challenge the same in accordance with law.
5. With the above direction, this O.A. is disposed of at the admission stage itself with no order as to costs.


Member-J