

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1599 OF 2003  
ALLAHABAD THIS THE 8TH DAY OF JANUARY, 2004

HON'BLE MRS MEERA CHATTERJEE, MEMBER-3

Munauwar Alam,  
S/o Late Syed Fkhre Alam,  
aged about 27 years,  
r/o Vill-Makhdoom pur,  
Post - Gnaja,  
District - Kaushambi

.....Applicant

( By Advocate Shri D.P. Gupta )

Versus

1. Union of India,  
through Secretary,  
Ministry of Human Resources,  
Govt. of India,  
New Delhi.
2. Joint Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shahid Jeet Singh Marg,  
New Delhi-110016.
3. Dy. Commissioner (Admin.),  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shahid Jeet Singh Marg,  
New Delhi - 110016.
4. Principal,  
Kendriya Vidyalaya,  
Air Force Manauri,  
Allahabad.

.....Respondents.

( By Advocate Shri D.P. Singh )



O R D E R

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

LL

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

"To quash the impugned order dated 05.04.2002 (Ann-No.A-1) and direct the respondents to reconsider sympathetically for providing compassionate appointment to the applicant on any available post of group C or group D at any place as early as possible.

Any other order or direction which may be fit under the circumstances of present case may also be passed to protect the interest of the family of the deceased employee."

2. It is submitted by the applicant that his father while working as Head Clerk in the Kendriya Vidyalaya, Air Force Manauri, Allahabad, died in harness on 22.11.2000 leaving behind his widow, three sons and two unmarried daughters. Since applicant as well as one of his sister are physically handicapped which is evident from the annexures filed at (Page-9, 11 & 12) and the other children were also studying, the widow gave an application for giving compassionate appointment to Shri Munauwar Alam (Applicant) on any appropriate post. The respondents, however, have rejected the claim of the applicant vide letter dated 05.04.2002 by stating therein that there is no post available in the grade of L.D.C. against which his case may be considered, therefore, his request for compassionate appointment cannot be ~~ac~~ceeded too.

3. It is submitted by the applicant that even though he has passed M.A. but he never asked for only Group 'C' post and is willing to work in any post including the Group 'D' post anywhere because the condition of the family is really in a bad shape. He has thus, prayed that a

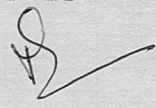


direction be given to the respondents to consider his case even against a Group 'D' post.

4. Counsel for the respondents submitted that compassionate appointment cannot be sought as a matter of right. Since applicant had stated in his application that he may be considered for Compassionate appointment according to his educational qualification, therefore, keeping in view, the fact that applicant was M.A. passed, he could be considered only for a Group 'C' post. But since there is no Group 'C' post available, therefore, there is no illegality in the order and the O.A. is liable to be dismissed. He has also submitted that applicant never gave in writing that he is willing to work in a Group 'D' post.

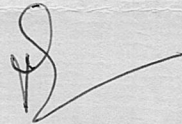
5. I have heard both the counsel and perused the pleadings as well.

6. Counsel for the respondents was seeking time to file reply to the O.A. but I do not think that ~~it~~ would be necessary at this stage because applicant's case has been rejected on the ground that there is no post available in Group 'C' whereas perusal of the application given by the applicant shows that he had never asked categorically for compassionate appointment against the Group 'C' post. Only now that he is willing to work even <sup>against B</sup> as a Group 'D' post, Applicant is given liberty to give a fresh representation to the authorities stating therein clearly that he is willing to work even against a Group 'D' post within a period of two weeks from the date of communication of this order and in case he gives such a representation, the respondents are directed to consider the same in accordance with law



and pass appropriate orders thereon by passing a reasoned and speaking order within a period of two months from the date of receipt of the said representation under intimation to the applicant.

7. With the above direction, this O.A. is disposed of at the admission stage itself with no order as to costs.



Member-J

/Neelam/