

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

O.A. 341/03.

DIARY NUMBER: 4777/02

MONDAY, THIS THE 31ST DAY OF MARCH, 2003

HON. MRS. MEERA CHHIBBER, MEMBER (J)

1. Smt. Laxmi Devi,
w/o Late Bhagwandeem.
2. Shyam Babu,
s/o Late Bhagwandeem,
r/o 28/A ,
Juhi Safed Colony,
Kanpur Nagar.Applicant.

(By Advocate:- Shri B.D.Shukla)

Versus

1. Union of India through its Secretary
Ministry of Defence,
New Delhi.
2. Senior General Manager,
Ordnance Factory,
Kanpur. Respondents.

(By Advocate:- Shri R.C.Joshi)

O R D E R

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

- (a) that this Tribunal be pleased to direct the respondent no. 2 for appointment of the applicant under the provision of dying in harness.
- (b) that the respondents may be directed to consider the matter as appointment of applicant no. 2 on any post in accordance with his qualification on compassionate grounds under respondent No. 2 Kanpur or in any other Establishment of respondents.
- (c) that this Tribunal be pleased to direct to respondent no. 2 for disposal of representation dated 4-4-2002 by speaking order within specific period.
- (d) Any other and further relief which this Tribunal may deem fit and proper in the circumstances of the case, be awarded to the applicants.
- (e) Cost of the proceeding be awarded to the applicant.



2. It is submitted by the applicants that husband of applicant no. 1 was working as Crane Driver in Arms Factory, Kanpur and died on 1-8-1999 while in harness leaving behind five unemployed sons and one unmarried daughter. Applicant no. 1 applied for, giving, compassionate appointment to her third son Shri Ajay Prakash but the same was rejected vide letter dated 7-12-1999 (Annexure-2).

It is submitted by the applicant no. 1 that the said son left the family and since she had also to marry the daughter and sufficient amount were not available with her she gave another application to the respondent no. 2 requesting him to appoint her youngest son Shri Shayambabu, who is eighth class pass and is 19 years old but till date respondents have not decided the said application even though applicant has given subsequent representations also. Thus, finding no other remedy she had to file the present case.

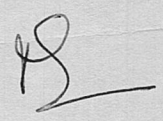
3. I have heard applicant's counsel and perused the pleadings as well.

4. Admittedly, applicant no. 1 had initially applied for grant of compassionate appointment in favour of her third son namely Ajay Prakash which was rejected vide letter dated 7-12-1999 (Annexure-3). The said letter was never challenged either by Shri Ajay Prakash or applicant no. 1 meaning thereby that they accepted the position. It goes without saying that if they ^{were} aggrieved by the said

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order and the family ^{was really B} in ~~care~~ distressed condition they ought to have ~~been~~ filed an appeal against the said order or should have challenged the said order in the court but applicant did not do either of these things. On the contrary, she has given yet another application in 2001 to consider the candidature of her youngest son Shri Shayambabu. There is no such provision in the scheme for grant of compassionate appointment that as ² ~~to~~ when the son attain majority, each son's case has to be considered by the respondents. Since they had already rejected the claim for grant of compassionate appointment way back in 1999 itself, which was never challenged by the applicant, ~~the~~ subsequent application for grant of compassionate appointment to the youngest son ~~is~~ is not at all maintainable in law. As such the present O.A is ~~also~~ not maintainable because the applicant is seeking ~~the~~ direction to the respondent no. 2 to give appointment to her youngest son.

5. In view of the above discussion the O.A is devoid of merit. The same is accordingly dismissed with no order as to costs.


MEMBER (J)

MADHU/