

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.422 of 2003.

Allahabad, this the 4th day of April, 2005.

Hon'ble Mr. D.R. Tiwari, A.M.

Suresh Chauhan,
Son of Late Tula Ram,
(Ex.Tailor T.No.874/MSSD,
C.O.D., Kanpur)
Vill : Lokaipur
P.O. : Ghorsayn,
Distt. BASTI (U.P.)

.....Applicant.

(By Advocate : Shri R.K. Shukla)

Versus

1. The Union of India,
through the Secretary,
Ministry of Defence,
Dept. of Defence Production,
Govt. of India,
New Delhi.

2. The Director General,
Ordnance Services,
M.G.Os Branch, Army HQs.,
New Delhi.

3. The Commandant,
Central Ordnance Dep't,
Kanpur.

....Respondents.

(By Advocate : Shri N.C. Tripathi)

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Heard counsel for the parties.

2. The O.A. filed under Section 19 of A.T. Act,1985,
is directed against the order dated 23.10.2002 (Annexure-A.)
by which the applicant's request has been rejected on the
ground that the case is time barred. The applicant has
further prayed for issuance of direction to the respondents
to offer the appointment of the applicant on compassionate
ground.

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3. Briefly stated, applicant's father was working in Central Ordnance Depot, Kanpur and he was initially appointed on 15.11.1962. He died while in service on 16.3.2000. Immediately after the death of his father, the applicant informed the respondent by a letter dated 13.4.2000 informing ~~that~~ ^Q about the death of his father and making a request for compassionate appointment so as to earn livelihood (Annexure-2). The respondents from time to time asked the applicant for completion of certain formalities including the death certificate, caste certificate and income certificate etc. so as to consider the case of the applicant for appointment on compassionate ground. Accordingly, the applicant submitted all the necessary papers and ~~filling~~ ^{henually} by the impugned order dated 23.10.2002 his request was rejected on the ground that his case was time barred as he could have been given appointment within one year of the death of his father. This order has been assailed by the applicant on various ground mentioned in Para 5 of the O.A. The counsel for the respondents has drawn my attention to para 3 (a) of the counter affidavit and he reiterated that in view of the reasons given the case of the applicant for appointment on compassionate ground could not be considered. He also referred to Para-9 of the counter wherein it has been stated that the age certificate issued by C.M.O. was not received in the office of respondent No.3. He has submitted that the applicant has approached the Competent Authority very late and he has not able to complete the formalities.

4. Learned counsel for the applicant has further submitted that for making compassionate appointment

various criterion are laid down and the applicant has approached the Competent Authority, immediately after the death of his father. It is settled preposition of law that while making compassionate appointment, the financial position of the applicant, the number of family members and other consideration are taken into account and he submits that the case has not been considered taking into the account, various factor as prescribed under the circular for making compassionate appointment. It is clear from the impugned order that his case has been rejected only on the ground that it was a time barred case.

5. Having heard the counsel for the parties, I am of the considered view that the case does appear to have been considered taking into account the procedure prescribed under the circular for compassionate appointment and ~~to be~~ ^{has been} rejected only on the ground of limitation whereas apparently there is fault on the part of the applicant as he has approached the Competent Authority ~~on~~ time. The respondents cannot be allowed ~~the heavy~~ ^{to take} stand that he approached late as the respondents themselves have been asked the applicant for supplying the various necessary papers for making compassionate appointment.

6. In view of the facts and circumstances mentioned above, I am of the considered view that the O.A. succeeds on merit and is allowed. The impugned order is quashed and set-aside. The respondents are directed to re-consider the case of the applicant for his appointment on compassionate ground. Keeping in view the relevant

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laws and rules on the subject. The respondents are directed to complete the exercise within a period of three months from the date of receipt of copy of this order. No order as to costs.

D. Deva
Member-A

RKM/