

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.90 OF 2003

ALLAHABAD THIS THE 26th DAY OF FEBRUARY, 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Kamlesh Kumar Singh,
Son of Late Chit Bahal Singh.
Resident of village and Post Ahamadpur,
District-Jaunpur, U.P.

. Applicant

By Advocate : Shri S. K. Singh, And Shri A. K. Singh

Versus

1. The Union of India through its Secretary
Ministry of Human Research Development,
New Delhi.
2. The Deputy Commissioner (Acad),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Chita Nagar Kunkarbag Patana.
4. The Principal,
Kendriya Vidyalaya, (N.E. Railway)
Samastipur Bihar.

. Respondents

By Advocate : Shri N. P. Singh

O R D E R

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

This application is filed seeking compassionate appointment and to quash the impugned order dated 09.04.2002 passed by the respondents.

2. The case of the applicant is that the father who was in service was died on 26.01.2001 leaving behind his widow, two sons and three daughters. Thereafter



the application was submitted to the respondents for consideration of compassionate appointment, since the same was not considered by the respondents the applicant has preferred OA No.13/02, by the order dated 15.01.2002 the respondents are directed to consider and pass appropriate orders on the basis of the representation submitted by the applicant. After the order of the Tribunal the respondents have passed the speaking order dated 09.04.2002, which is impugned. The learned counsel for the applicant states, that the respondents have considered the case of the applicant only on the technicalities, rejected as there is no post subsists, therefore the action of the respondents is illegal and arbitrary one even though in the absence of the particulars, materials submitted by the applicant the respondents failed to consider the same, hence this application is filed seeking setting aside the said order, and for other reliefs.

3. On notice the respondents have filed the counter affidavit and contended that after the order passed by this Tribunal respondents have considered the case of the applicant and have found the particulars furnished by the applicant are in complete in many respects and further they have taken steps to consider whether the compassionate appointment case be given to the applicant or not. It is specifically stated that his application has not been received at the Kendriya Vidyalaya Sangathan (H.Q.) level for processing and

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examining along with other similar applicants. However, it is seen that the applicant has submitted certain paper to the Principal, Kendriya Vidyalaya Samastipur. The application submitted by him on 22.02.2001 was in complete in many respect and as a result Principal of the Institution has returned the papers to the applicant for completing the formalities required so that the Head of the Institution would be in position to forward the same to appropriate authorities. The proforma said to have been submitted, a copy of which is found along with the O.A. is incomplete. It should be noted that part 'B' of the proforma is not found along with Part 'A'. In the absence of the required information it would be difficult to process any further on the matter. The Principal, Kendriya Vidyalaya, Samastipur has written a letter to the applicant vide his letter no.CBS/KVS/2001-2002/506 dated 13.09.2001 enclosures and in the prescribed proforma. He was also asked to submit details on movable and immovable properties held by the applicant and his family. It is premature on the part of the applicant to seek redressal before the Tribunal when he has not complied with the primary requirement of making application in the prescribed proforma with necessary enclosures and required information. In the absence of the required information, it would be difficult to process his case for placing before the committee constituted for purpose of considering and recommending compassionate appointment, and due to privatization of some of the

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Group 'D' services and surplus position of LDC's in Kendriya Vidyalaya Sangthan the committee constituted for recommending the case of compassionate appointment which met on 25.01.2002 could not consider any case for compassionate appointment and further stated that there would be not compassionate appointment that could be done for the year 2001, 2002 and 2003 and for this reasons sought for the dismissal of the OA.

4. I have heard the learned counsel for the applicant and the learned counsel for the respondents and perused the pleadings and the materials on record. The case of the applicant is that his father was died on 26.01.2001, and as such he has submitted the representation to the respondents dated 22.2.2001 and 15.10.2001, since the respondent has not considered the said representation he filed the OA No.13 of 2002, the same was disposed of by the order dated 15.01.2002 directed the respondents to decide the representation of the applicant within a period of three months. The respondents on taking into consideration of the order passed by this Tribunal has decided the representation of the applicant by impugned order on taking into consideration of the material facts and the information furnished by the applicant, by stating that the applicant has not furnished the necessary particulars called for by the respondents in a prescribed proforma inspite of the intimation to the applicant by the letter dated 13.9.2001 calling upon him to furnish the information and the details with



regard to the movable and immovable properties held by the applicant and his family, and therefore, the respondent have having difficulty to process his case to place before the committee which is constituted for that purpose, and further it is stated that due to privatization of some of the Group 'D' services and surplus position of LDC's in Kendriya Vidyalaya the committee on taking into consideration of over all facts and circumstances and the materials on record has not considered the case of the applicant for compassionate appointment. In that view of the matter I do not find any merits in the contention of the applicant that the respondents have acted illegally in an arbitrary manner while considering the case of the applicant cannot be accepted, as the respondents have taken the policy decision not to consider any case for compassionate appointment for the reasons stated earlier, cannot come within the scope of judicial review of the action taken by the respondents and as such there is no merit in the contention of the applicant.

5. In view of the foregoing reasons this OA is dismissed. No Costs.


Member-J

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