

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 07th day of May, 2003.

Original Application No. 99 of 2003.

Hon'ble Mrs. Meera Chhibber, Member- J.

1. Padam Singh S/o Late Hari Singh
R/o Vill.- Chandanpur, Post- Nalhera Juggar,
Distt. Saharanpur.
2. Phool Mati W/o Late Hari Singh
R/o Vill.- Chandanpur, Post- Nalhera Juggar,
Distt. Saharanpur.

.....Applicant

Counsel for the applicants :- Sri Vishal Khandelwal
Sri Prakash Chandra

V E R S U S

1. Union of India through the Secretary, M/o
Human Resource and Development, New Delhi.
2. The Surveyor General, Survey of India Department,
Hati Barkalan, Dehradun.
3. The Director (North Circle), Survey of India
Department, Karanpur, Dehradun.
4. Prabhari Adhikari No. 1 Party,
Survey of India Department, 6 Block,
Hati Barkalan, Dehradun.

.....Respondents

Counsel for the respondents :- sri R.C. Joshi

O R D E R (oral)

(By Hon'ble Mrs. Meera Chhibber, Member -J.)

This O.A has been filed by the two persons namely Sri Padam Singh S/o Late Hari Singh and Smt. Phool Mati W/o Late Hari Singh. It is submitted by the applicants that father of applicant No. 1 Late Hari Singh died on 19.03.1997

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while in harness leaving behind his widow, three sons and two daughters out of which one daughter is married and two sons, according to the applicants, are living separately with their own family. None of the child is in government service and since the widow is uneducated, she gave an application on 17.12.1999 followed by application dated 16.05.2001 to the authorities concerned to grant compassionate appointment to her son namely applicant No.1 in any suitable post. Applicant also filed certificate issued by the Gram Pradhan to the effect that dependents of Late Hari Singh are in financial crisis (Annexure A-13). However, without considering the facts respondents rejected the applicants' claim vide letter dated 17.10.2002 (Annexure-1) which has been challenged by the applicants in the present O.A. The applicants have sought quashing of the order dated 17.10.2002 and a direction to the respondents to appoint applicant No. 1 on compassionate grounds. Contention of the applicants' counsel is that impugned order has been passed in a stereotype and mechanical manner which shows total non-application of mind as no reasons have been given, therefore, it is liable to be quashed on this very ground.

2. Counsel for the respondents on the other hand was seeking time to file reply to explain the facts as to why the request of the applicants has been rejected.

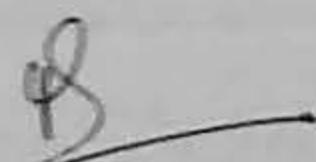
3. I have repeatedly remitted these kind of orders passed by the authorities as the law is well settled by the Hon'ble Supreme Court that whenever a representation, application or appeal is filed to the authorities concerned, the least that is expected from them is that they should pass a reasoned and detailed order so that it can satisfy the person concerned at the relevant stage without dragging him un-necessarily to the court of law. A perusal of the impugned

order shows no reasons whatsoever ~~has~~ been given in the letter while rejecting the claim of the applicant. Therefore, I would agree with the applicant's counsel that impugned order shows total non-application of mind. Though no body can claim compassionate appointment as a matter of right yet they admittedly have right to be considered and whenever an application is filed, the same has to be considered on the basis of material placed before them in accordance with ^{law} guide lines laid ^{law} by the Hon'ble Supreme Court and the various instructions issued by the Government of India from time to time.

4. Since, the impugned order dose not give any reason, therefore, I do not think any purpose will be served by calling ~~of~~ ^{for} counter reply ^{by} to the respondents at this stage, as even after that, the result would still be same.

5. Accordingly, the letter dated 17.10.2002 is quashed and set-aside. The matter is remitted back to the authorities with direction to consider the application of applicant in accordance with laid down procedure and to pass a reasoned and detailed order within a period of three months from the date of receipt of a copy of this order under intimation to the applicant.

6. With above direction the O.A. is disposed of at the ^{stage} admission stage with no order as to costs.



Member- J.

/Anand/