

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
 Allahabad Bench
 Allahabad

Original Application No.836 of 2006

Allahabad, this the 5th day of October, 2007.

Hon'ble Mr. K.S. Menon, Member-A

Pramod Deo S/o Late Kushal Deo,
 R/o Village Harpur Belhi,
 Post Tamkuhi Raj,
 District Kushi Nagar.

...Applicant.

(By Advocate : Shri Jitendra Kushwaha
 Shri A. Srivastava)

Versus

1. Union of India through the Director, Central Public Work Department, New Delhi.
2. Executive Engineer, Kolkata Abiation, Electrical Division, Kolkata-20.
3. Zonal Officer, Central Public Work Department, Kolkata-20.

...Respondents.

(By Advocate : Shri S. Singh)

O R D E R

By this OA the applicant seeks a direction from this Tribunal to the respondents to offer compassionate appointment to the applicant under Dying-in-harness Rules and further to direct the respondents to decide the representation of the applicant dated 11.9.2005 (Annexure-A-5 to the OA).

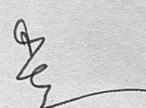
2. The applicant's father Late Shri Kushal Deo was working as Mechanic^u under respondent No.2. He expired on 19.4.2002 leaving behind his wife, two sons including the applicant and one daughter.

9
 L

3. It appears that the respondents have considered the applicant's representation but the order disposing of the same was issued on 5.10.2006 after the OA was filed. The respondents in their counter have stated that the case of the applicant has been considered in accordance with the rules and instructions of the DOPT on this subject. I have seen that the family of the deceased employee has in receipt of Rs.2,30,448/- as terminal benefits and is getting family pension Rs.1975/- plus DA per month. The counsel for the respondents states that DOPT has laid down the poverty line amount as income below Rs.1267/- for consideration of such compassionate appointment cases. Learned counsel for the respondents further states that the applicant's case was considered by the Higher Authority and was empanelled in the waiting list but could not be given appointment for want of vacancy under 5% direct recruitment quota. He says that decision of the Competent Authority has been communicated to the applicant on 5.10.2006, which is Annexure-CA-1.

4. I have gone through order passed by the respondents on 5.10.2006 and find the order is not a speaking order which clearly brings out on what basis the applicant's case was considered and why it has been rejected. I also observe that there are Govt. of India's instructions which clearly states that while rejecting such compassionate appointment cases, departments are required to give ² a very clear ⁴ reason~~ed~~ and speaking orders in order to avoid unnecessary litigations. The respondents have not complied with the said Govt. instructions.

5. The respondents are, therefore, directed to reconsider the representation of the applicant dated 11.9.2005 in accordance with the latest instructions of the DOPT vide their letter dated 9.10.1998 and other departmental rules and guidelines on this



10

subject and dispose of the same by a reasoned and speaking order within a period of two months from the date of receipt of copy of this order.

6. The OA is accordingly disposed of with the above directions.

Emerson
Member-A 5.10.07

RKM/