

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH,  
ALLAHABAD

Original Application No. 984 of 2007

Allahabad this the, 26<sup>th</sup> day of April, 2011

Hon'ble Mr. Justice S.C. Sharma, Member (J)

Kuldeep Srivastava, S/o Late K.K. Srivastava, R/o  
Village and Post - Basni, District Varanasi.

By Advocate: Mr. R.C. Srivastava

Applicant

Versus

1. Union of India, through its Ministry of Home Affairs, New Delhi.
2. Director Intelligence Bureau, Ministry of Home Affairs IB HQ, Government of India, North Block, New Delhi.
3. Assistant Director Intelligence Bureau Ministry of Home Affairs IB HQ Government of India Block, New Delhi.
4. Joint Deputy Director Subsidiary Intelligence Bureau Ministry of Home Affairs, Government of India, Varanasi.
5. Section Officer, Subsidiary Intelligence Bureau, Ministry of Home Affairs, Government of India, Varanasi.

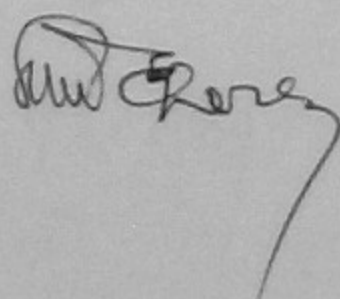
By Advocate: Mr. R.D. Tiwari

Respondents

O R D E R

By Hon'ble Mr. Justice S.C. Sharma, J.M.

Under challenge in this O.A. is the order dated 24/25-07-2007 passed by the Section Officer, Subsidiary Intelligence Bureau (MHA), Government of India, Varanasi and also the



Order of the I.B. Headquarters Memo dated 12.07.2007 (annexure-1). Further prayer has also been made for giving direction to the respondents to grant appointment on compassionate ground as Group 'C' to the applicant in the aforesaid department.

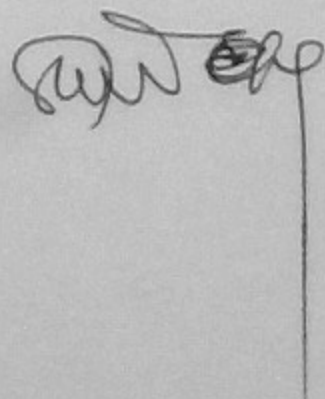
2. The facts of the case may be summarized as follows: -

It has been stated by the applicant that father of the applicant had been working on the post of ACI O-II/G Subsidiary Intelligence Bureau (MHA), Government of India, Varanasi. During service period father of the applicant died on 23.01.2003 after long illness, death certificate is annexure-1 in compilation II. After the death, father of the applicant left his wife (widow) and two sons. It has also been alleged that elder son of the deceased employee is living separately, and entire family after the death of deceased has been in indigent condition as there is no source of livelihood. A representation was filed by the applicant for compassionate appointment to the younger son-applicant on 18.02.2003. The applicant had possessed the M.A. degree in

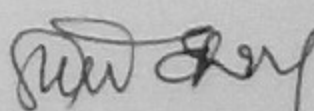
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Political Science. All the necessary documents were sent and it was also alleged by the applicant that his name was recommended for giving compassionate appointment in I.B. and the applicant will have to appear for assessment test, for giving compassionate appointment. A memorandum was also sent by the respondents for proficiency test for appointment on compassionate ground. But it was cancelled without assigning any reason, and nothing was stated correctly hence, the O.A.

3. Counter <sup>reply</sup> ~~Affidavit~~ as well as an Affidavit was filed on behalf of the respondents. It has been alleged on behalf of the respondents in the Affidavit dated 05.09.2010 that case of the applicant was considered for appointment in Intelligence Bureau, and the applicant-Kuldeep Srivastava has already been appointed on temporary basis to the post of Security Assistant/Exe on compassionate ground w.e.f. 04.02.2010 at Subsidiary Intelligence Bureau, Varanasi, and due to this reason, O.A. rendered infructuous.



4. I have heard Mr. R.D. Tiwari, Advocate for the respondents, and considered all the facts and circumstances of the case.
5. It has been alleged by the respondents in the Affidavit that in response to the application of the applicant, Compassionate Appointment was given to the applicant- Kuldeep Srivastava. Alongwith the Affidavit, appointment letter has also been annexed. It shows that the applicant had already been appointed vide order dated 25.01.2010. It is also a fact that none is responding for the applicant since then, and as the appointment had already been provided to the applicant, hence I agree with the argument of learned counsel for the respondents that the O.A. is now rendered infructuous, and hence is liable to be dismissed.
6. O.A. is dismissed as rendered infructuous because compassionate appointment has already been provided to the applicant. No cost.

  
(Justice S.C. Sharma)  
Member - J