

8. ORDER DATED 14-9-2000.

J JMM  
In this original Application  
the applicant who is the son of the late  
Shyam Sundar Tripathy has prayed for  
compassionate appointment under the Ministry  
of Defence, Respondents 1 and 2. From the o.A.  
itself it appears that the father of the  
applicant initially joined as Russian  
Translator on 29.12.1959 under the Ministry  
of Defence, Respondent No. 2 and was promoted  
to the rank of Class II gazetted officer to  
the post of Interpreter but before joining,  
he had to clear the medical test and he did  
not qualify in the medical examination. After  
he was disqualified by the medical Board, he  
was reverted to the post of examiner w.e.f.  
11th of July, 1968. In para 4.6 of the o.A.,  
it has been mentioned that the father of  
the applicant submitted his resignation  
which was accepted w.e.f. 21.9.1968. Applicant's  
father passed away in 1987 and according to the  
applicant the family is in financial distress  
and that is why, he has come up in this original  
Application with the prayers referred to earlier.

J JMM  
Respondents have stated in page 3 of the  
counter that at the time of the death of the  
applicant's father, he was working at HAL, Nasik.  
This contention of the Respondents has not been  
denied by applicant by filing any rejoinder. From  
the above recital of facts, it appears that the  
applicant's father resigned from his job under  
the Respondents in 1968 and took up a job under  
the HAL Nasik and while working in that post, he

was expired in 1987. As he has resigned from the post under the Respondents, his son, the present applicant, can not claim compassionate appointment. Compassionate appointment is considered only in respect of the family members those who died in harness or retired due to invalidation. In this case, applicant's father resigned from service in 1968 and passed away in 1987 i.e. 19 years thereafter. In view of this, we hold that the applicant is not entitled to compassionate appointment under the Respondents.

We have heard Mr. A. Kanungo, learned counsel for the applicant and Mr. A. K. Bose, learned Senior Standing Counsel appearing for the Respondents.

The original Application is therefore held to be without any merit and is rejected.

free copy of  
the order  
dt. 14.9.2K given  
to the both  
counsel.

✓  
Vice-Chairman  
14/9/2000

Member (Judicial)

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