

8. ORDER DATED 14-9-2000.

J.S.M.
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.

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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

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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.

Vice-Chairman

Member(Judicial)

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

Patel
21/9.

Prasanna
21.9.08
S-O