

For Admission

Bench
17/4

Bench

Order dated 18.4.2001

This Original Application stands posted to this day for final disposal at the admission stage. Shri A.K. Bose, learned Sr. St. Counsel is present. None from the side of the applicant is present. Heard Shri Bose and also perused the record.

The Original Application was filed by one Mamayya praying for compassionate appointment for his grand son. As per Annexure-A/3 filed by him, the date of ~~of~~ birth is 1.3.1919. He retired on 16.5.1978 on the ground of permanent incapacitation. In other words he was retained in service for more than one year, i.e. even after completion of age of superannuation of 58 years. Respondents in their counter opposed this application on the ground that there is no provision/rule for appointment ~~of~~ of grand son under compassionate appointment scheme and that too, such an application filed after ~~1~~ years is not maintainable. We find that on merits this application must fail.

There is further development in this Original Application. The record reveals that an application was filed on 1.8.2000 by one B. Vallamma, claiming to be the daughter-in-law of the original applicant for substitution on the ground that original applicant died on 19.1.2000, along with a Death Certificate. This application for substitution though filed on 1.8.2000 has not so far been moved either by the applicant or by any counsel. Be that as it may, this substitution application was filed about seven months after the death of the original applicant. Under Rule-18 of C.A.T. (Procedure) Rules, 1987, the proceedings against the deceased shall abate if no petition is filed by the legal representatives for being brought on record within 90 days of the death of the original applicant. Even beyond 90 days if an application is filed ^{with in ninety days thereafter} for setting aside the order of abatement, the same can be considered. This has also not been done.

Hence this application for substitution filed being without any merit is rejected.

In the result, Original Application is devoid of any merit and therefore, the same is dismissed, but without any order as to costs.

Somnath Joss
VICE-CHAIRMAN

VICE-CHAIRMAN

12.4.2001

MEMBER (JUDICIAL)

Free copies of final order 4/18/2001 issued to counsele for both sides.

12/14/01 S-0051