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Central Administrative Tribunal
Jodhpur Bench, Jodhpur

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Date of Order : 10.2.2003

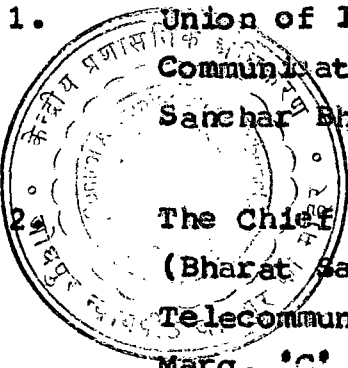
O.A. NO. 200/2002

Mukesh Kumar Sharma S/o Late Shri Vijay Kumar Sharma,
aged about 23 years, Resident of Narpat Niwas, Near Airforce
Gate, Old Pali Road, Jodhpur. (Late father of the applicant
lastly posted as Dafatary at Telecom Office, Balotra under
the Telecom District Manager, Barmer (Raj)).

..... Applicant.

versus

1. Union of India through the Secretary, Ministry of
Communication, Department of Tele Communication,
Sanchar Bhawan, New Delhi.



The Chief General Manager
(Bharat Sanchar Nigam Limited).,
Telecommunication Rajasthan Circle, Sardar Patel
Marg, 'C' Scheme, Jaipur 302 008.

3. The Deputy Divisional Engineer,
(Bharat Sanchar Nigam Limited),
C/o General Manager, Telecom District,
Barmer (Raj).

..... Respondents.

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CORAM :

Hon'ble Mr. J. K. Kaushik, Judicial Member

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.2.

Mr. N.R. Choudhary, Advocate, present for applicant.

Mr. B.L. Bishnoi, Advocate, brief holder for
Mr. Vijay Bishnoi, Advocate, present for the respondents.

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ORDER

BY THE COURT :

Shri Mukesh Kumar Sharma, has filed this Original Application claiming consideration of his candidature for compassionate appointment on a suitable post.

2. The material facts giving rise to this application are that the father of the applicant Late Shri Vijay Kumar Sharma, was employed on the post of Record Keeper (Dafatary) at Balotra under the Telecom District Manager, Barmer. But, un-fortunately, he expired on 8.4.1997. Late Shri Vijay Kumar Sharma were survived by his widow, one daughter and one son i.e. the applicant. An application was moved on behalf of the widow of Late Shri Vijay Kumar, for appointment of the applicant on compassionate ground under relaxation of the recruitment rules on 9.7.1997. Thereafter, there have been lot of correspondence in the matter and certain formalities were asked to be fulfilled by the applicant and now, the matter has been kept pending for a long time.

3. The O.A. has been filed on multiple grounds mentioned in the same which I do not feel expedient to mention here since the O.A. is being disposed of on a very short point.


.3.

4. The respondents have contested the O.A. by filing reply. The defence as set-out in it is that the applicant was asked to fulfil some formalities required for grant of appointment on compassionate ground and he has fulfilled these formalities only in December 2001. The matter could not be placed before the last High Power Committee (HPC) which examined the cases of compassionate appointment in the year 2001. It has been also specifically submitted in Para 4.10 that the case of the applicant would be kept for consideration in the next High Power Committee.

5. A rejoinder has also been filed to the counter reply.

6. I have heard the learned counsel for the parties and have carefully perused the pleadings and records of this case.

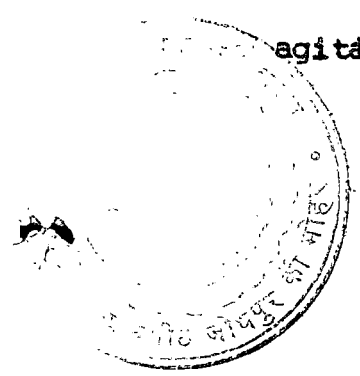
7. I am of considered opinion that since the respondents themselves are considering the case of the applicant for grant of compassionate appointment and there has been a considerable correspondence in the matter inasmuch as all the formalities could be completed only in December 2001 by the applicant, and the High Power Committee sat in the year 2000, it would be expedient to dispose of the present case by giving a suitable direction to the respondents to consider the case of applicant within a time bound schedule. In this view of the matter, the O.A. is disposed of with the following order :-



"The Respondents are directed to consider the case of applicant for appointment on a suitable post as per the scheme in force for compassionate appointment, within a period of three months from the date of receipt of a copy of this order.

It would be scarcely necessary to mention here that, if applicant feels aggrieved by any adverse order passed in the matter, he will be at liberty to agitate the same afresh.

There is no order as to costs."



J. K. Kaushik
(J. K. Kaushik)
Judicial Member

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jrm

Part II and III destroyed
in my presence on 14-5-08
under the supervision of
section officer (J) as per
order dated 5/2/08

NA 24-2
Section Officer (Record)

rehanding
11/2/07
C. R. R. Choudhary

REED
MCO
17/2