

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. No. 561/2006

This, the 19th day of December, 2007.

Hon'ble Shri M. Kanthaiah, Member (J)

Manoj Kumar Sharma aged about 19 years son of late Sri Ram Sewak R/o 538 Kha/652, Shiv Nagar Badi Rakaria, Sitapur Road, Lucknow.

Applicant.

By Advocate: Shri K. Bajpay

Versus

1. The Central Drug Research Institute, Chhattar Manzil Palace, Lucknow through the Administrative Controller.
2. The C.S.I.R., New Delhi through the Director General
3. The Director, Central Drug Research Institute, Lucknow

Respondents.

By Advocate: Shri Pankaj Awasthi for Sri A.K. Chaturvedi.

ORDER

By Hon'ble Shri M. Kanthaiah, Member (J)

The applicant has filed this Original Application to quash the impugned rejection order covered under Annexure -1 dated 12.12.2005, under which the respondents have rejected his claim for appointment on compassionate grounds, stating that the said order is illegal and arbitrary.

2. The respondents have filed counter opposing the claim of the applicant stating that the applicant is not entitled for any relief as prayed for.
3. The applicant has filed rejoinder, reiterating his pleas as in the O.A. and also denied the pleas taken by the respondents in their counter.
4. Heard both sides.

5. The point for consideration is whether the applicant is entitled for the relief as prayed for.

6. The admitted facts of the case are that the father of the applicant late Ram Sewak, while working on a Class IV post in the respondents department died on 27.11.96, leaving behind his wife and two minor sons. On the application of the mother of the applicant, the respondents authorities provided job to her on compassionate ground and after her services were regularized, she died on 3.5.2004, leaving behind her two sons, namely, Lavkush and the applicant herein. The elder brother of the applicant, Lavkush, made a representation to the respondents authorities for appointment of the applicant on compassionate ground but after considering the said representation, the respondents authorities have rejected such claim on the ground that the applicant was minor. Annexure-6, dated 8.6.2005, is the said rejection order. Thereafter, the applicant made another representation dated 2.8.2005 (Annexure- 7) and dated 3.10.2005 (Annexure CA-10), for his appointment on compassionate ground, stating that he will attain 18 years of age by 7.8.2005 and to consider his request for compassionate appointment. After considering the said representation, again the respondents authorities have rejected such requests vide order Annexure CA-11 dated 10.11.2005. Subsequently, the respondents have also issued another rejection order dated 12.12.2005 (Annexure-1), in which, they have categorically informed rejection of earlier representation of the applicant covered under Annexure-6 dated 8.6.2005 and Annexure- CA-11 dated 10.11.2005, by giving reasons and thus the applicant is not entitled for

any compassionate appointment. It is also not in dispute that thereafter, the applicant made another representation covered under Annexure - 8 dated 9.1.2006 for reconsidering his claim for compassionate appointment but the authorities have rejected such representation also vide Annexure-9 dated 15.2.2006. It is also undisputed fact that in Annexure -9, the respondents authorities have also informed earlier rejection orders dated 8.6.2005 , 10.11.2005 and also 12.12.2005 and further stated that his claim for compassionate appointment will not be considered again.

7. In the said rejection order (Annexure -9) dated 15.2.2006, the respondents have given reasons for not considering the claim of the applicant for compassionate appointment on the ground that they are getting two family pensions relating to their parents and also elder brother of the applicant was doing some job and applicant is minor, and thus rejected the claim of the applicant. Thereafter, applicant again made a representation covered under Annexure -10 dated 5.6.2006 and thereafter filed this Original Application , questioning the rejection order covered under Annexure -1 dated 12.12.2005 and for reconsidering his claim for compassionate appointment.

8. The main claim of the applicant is for reconsidering his claim for compassionate appointment and also for quashing the rejection order covered under Annexure -1 dated 12.12.2005 stating that none of his grounds in the representation have been considered by the respondents before passing such rejection.

9. It is the case of the respondents that the request of the applicant was placed thrice before the competent committee and after passing a

reasoned order, the respondents authorities have rejected such claim of the applicant. In spite of giving such detailed reasons, the applicant has filed this O.A., questioning earlier rejection order covered under Annexure-1 dated 12.12.2005, without questioning the subsequent rejection order covered under Annexure -9 dated 15.2.2006 and also the reasons given in the earlier rejection order covered under Annexure -6 dated 8.6.2005 and thus the applicant is not entitled for any relief.

10. Admittedly, the mother of the applicant was died on 3.5.2004 and by the time, the applicant was minor. Though, the elder brother of the applicant made a representation for appointment of the applicant on compassionate ground, but the same was rejected and also informed the same. Subsequently, when the applicant himself made a representation covered under Annexure -7 dated 2.8.2005 and A-8 dated 9.1.2006, stating that by 7.8.2005, he is going to attain 18 years of age and to consider his claim for compassionate appointment, the respondents have rejected his claim on the ground that their family was getting two pensions and his elder brother was also doing job. Annexure- 6 dated 8.6.2005 and subsequent rejection order covered under Annexure-1 dated 12.12.2005 and also Annexure -9 dated 15.2.2006 also shows the reasons for rejection of the claim of the applicant and in the rejection order, which is under challenge in this O.A. covered under Annexure -1 dated 12.12.2005 also the respondents authorities have informed earlier rejection covered under Annexure -6 dated 8.6.2005 and Annexure-1 dated 12.12.2005.



11. When the respondents authorities have considered the claim of the applicant by placing the same before the competent committee for three times and the decision of every meeting was also communicated to the applicant by giving reasons, the applicant is not justified for questioning the validity of Annexure -1 dated 12.12.2005 on the ground that the same does not contain the reasons for rejection. Further the respondents authorities have also communicated the subsequent rejection order covered under Annexure -9 dated 15.2.2006, in which they have given all the details and also all the three rejection orders covered under Annexure -6 dated 8.6.2005, Annexure- CA-11 dated 10.11.2005 and Annexure -1 dated 12.12.2005 and also averting the reasons for rejection of such request of the applicant but without questioning the latest rejection order covered under Annexure -9 dated 15.2.2006, the applicant is not at all justified for questioning of the earlier rejection order covered under Annexure -1 dated 12.12.2005 and even on that ground also, the claim of the applicant is not at all sustainable.

12. From the above discussion, it is clear that there is no justification in the claim of the applicant either to question the validity of earlier rejection order covered under Annexure -1 dated 12.12.2005 or for giving any direction to reconsider his claim after more than 3 years after the death of his mother. Thus , there is no merit in the claim of the applicant and as such, the same is liable for dismissal.

13. In the result, O.A. is dismissed. No costs.


MEMBER (J)

19.12.07

HLS/-