

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Original Application No.199/2008
This the 05th day of June 2009**

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Ajay Kumar Kanujia, aged about 31 years S/o Late Bhagwati
Prasad R/o H.No.K-73 Mohalla Vijai Khera P.S. Alambagh,
District Lucknow.

...Applicant.

By Advocate: Shri A.P. Singh.

Versus.

1. Union of India through the Secretary, Ministry of Defence
Govt. of India, New Delhi.
2. Director General, Armed Forces Medical Services (D.G.2-13)
M, Block, Army Headquarters, D.H.Q P.O, New Delhi.
3. Commandant, Command Hospital, Central Command,
Lucknow.

... Respondents.

By Advocate: Shri V.R. Chaube for Shri Sunil Sharma.

ORDER

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed O.A. with a prayer to issue direction to the respondents to consider the case of the applicant for his appointment on compassionate ground against Class IV post on the ground that their family is in indigent condition and he is entitled for appointment on compassionate ground and inspite of his representation the authorities have not considered his case for providing employment, which is illegal, arbitrary and against the rules.

~

2. The respondents have filed the Counter affidavit, denying the claim of the applicant stating that the mother of the applicant has moved an application for providing appointment but the same was not in proper form and as such, they have returned the same vide letter dt. 22.3.2007 (Ann.-CR-1) but she has not resubmitted the same. Subsequently on 22.05.2008 the respondent No.3 again provided the blank application form to the mother of the applicant with the request to submit the same alongwith relevant documents for processing but she has not supplied the said documents and thus, there was delay in processing the application for compassionate appointment for which they are responsible. They also further stated that the applicant has not submitted any form for compassionate appointment and filed this OA, which is pre-mature and liable to be dismissed as not maintainable.

3. The applicant has filed Rejoinder Affidavit denying the stand taken by the respondents.

4. Heard both sides.

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

6. The brief facts of the case are that father of the applicant Bhagwati Prasad died on 10.2.2007, while working under Respondent NO.3 leaving behind 4 sons including the applicant, one unmarried daughter and wife Smt. Jasso Devi. All the sons are aged more than 31 year is not in dispute. The mother of the applicant made an application dt 9.3.2007 before the Respondent NO.3 for providing compassionate appointment in favour of the applicant on the ground that none of their family member is in service and their family is

facing great hardship. Ann.-A-2 is the copy of the said application. Subsequently, the respondent authorities addressed a letter to the mother of the applicant on 17.12.2007 stating that her application for compassionate appointment for her son will be forwarded to the higher authorities and on receipt of DCRG, which is still awaited from Principal Controller of Defence Accounts (PCDA), Allahabad and also supplied blank application form asking her to submit the same alongwith required documents. Ann.-CR-2 dt.17.12.2007 is the copy of the same. When the proforma application have not been submitted alongwith required documents, the respondent authorities again asked the mother of the applicant to fill up the blank form of the application for compassionate appointment alongwith required details for onwards submission to the higher authorities vide letter dt. 22.5.2008 (Ann.A-4).

7. Thus, it is the case of the respondents that the applicant for appointment of applicant on compassionate ground has not been submitted in the proper proforma as required alongwith the necessary documents and as such, they have not considered the claim of the applicant for his appointment. It is also the case of the respondents that they have advised the mother of the applicant to submit such application after receipt of amount of DCRG alongwith other relevant documents.

8. From the pleadings of the parties, it is clear that the mother of the applicant made representation to the respondent authorities for appointment of her son on compassionate ground but the same was not considered for want of required information and also advised her to submit such application in the format after release of DCRG.

~

Admittedly, the application was not submitted in the required proforma sent by the respondent authorities alongwith the information and simply made a representation for appointment of the applicant on compassionate ground. Though, the applicant made representation for his appointment through his mother but the same is not at all considered by the authorities. Without consideration of such claim of the applicant, issuing of any direction to the respondents at this stage is not at all desirable.

8. Under the above circumstances, without going into the merits of the claim of the applicant the OA is disposed of with a direction to the applicant to submit a fresh representation alongwith copies of his earlier representations to the respondent authorities within 2 weeks from the date of this order and thereafter, three months time is granted to the respondents authorities for consideration of such claim of the applicant for his appointment on compassionate ground as per rules with a reasoned order and with this direction the OA is disposed of. No order as to costs.


(M. KANTHAIAH)
MEMBER (J)

05-06-2009

/amit/.