

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No: 32/2011

This, the 7th day of September, 2012

HON'BLE MR. JUSTICE ALOK KUMAR SINGH, MEMBER (J)

Gaurav Shukla, son of Late Vidya Shukla, aged about 25 years,
Resident of 14 Qtr Military farm, Post Dilkusha Cantt., Lucknow.

Applicant.

By Advocate: Sri Amit Verma for Sri A.Moin

Versus

1. The Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Director (MF), Military farm, Head Quarter, central Command, Lucknow.
3. Deputy Director (Personnel), Military Farm, Head Quarter, central Command, Lucknow.
4. Deputy Director General of Military farms, Quarter Master General's Branch, Integrated Head Quarter of MOD (Army), Pin-900108.
5. The Officer Incharge, Military Farm, Lucknow.

Respondents.

By Advocate: Sri Rajendra Singh

ORDER (dictated in open court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Applicant's father late Vidya Sagar Shukla was working as 'Farm Hand' in Lucknow under the respondents. He unfortunately died in harness on 29.2.2008 while aged about 48 years. The death certificate dated 29.3.2008 has also been enclosed with the O.A. The application for compassionate appointment was moved by the applicant which was disposed of on 11.8.2009 saying that as and when vacancies would be available, the matter will be considered. It was further mentioned in that order that in pursuance of guidelines laid down in DOP&T OM dated 5.10.2003, the validity of applicant's application would be for a period of 3 years only from the date of the death of the employee. The applicant moved repeated representations dated 25.3.2008 and 26.6.2008 (Annexure A-3



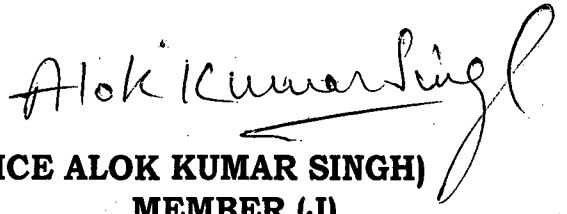
and A-4). Then he sent another representation, in response to which he was informed on 23.9.2010 (Annexure A-5) by Dy. Director Personnel that his case will be placed before the Screening Committee and out come would be intimated accordingly. But till date, no action has been taken by the competent authority. Hence this O.A.

2. Though, sufficient time was given to the respondents for filing CA but no CA has been filed, probably on account of the fact that the O.M. dated 5.10.2003 issued by DOP&T on the basis of which the claim of the applicant has been dealt with has already been now quashed and recently DOP&T itself has withdrawn it and has issued a fresh O.M. dated 26.7.2012. An inevitable corollary of this recent O.M. dated 26.7.2012 would probably be that all such matters of compassionate appointment which have been closed or disposed of by adhering to the guidelines contained in the above O.M. dated 5.5.2003 may have to be reconsidered, if the aggrieved party raises this point before the competent authority.

3. It is rightly pointed out on behalf of the applicant that as mentioned in para (e) of the letter dated 11.8.2009 (Annexure No.1), the validity of the application for compassionate appointment of the applicant is being treated upto 3 years only after the death of his father. The respondents have mentioned in the aforesaid letter that validity period would be upto 28.2.2011 only as his father had died on 29.2.2008. It appears that on account of this reason, the respondents did not consider further the claim of the applicant for compassionate appointment. But after the judgment of the Hon'ble High Court, Allahabad, holding the O.M. dated 5.10.2003 as ultra virus and DOP&T having now withdrawn it themselves, the cap of three years is no more applicable. Therefore, this O.A. deserves to be disposed of with

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the direction to the respondents to consider the claim of the applicant for compassionate appointment afresh in the light of the relevant O.Ms. which are in existence as on today and accordingly it is so ordered. No order as to costs.


(JUSTICE ALOK KUMAR SINGH)
MEMBER (J)

HLS/-