

**Central Administrative Tribunal, Lucknow Bench,
Lucknow**

Original Application No. 117/2006

This the 17th day of April , 2009

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

Ajit Pratap Yadav, Aged about 23 years, S/o late Shree Ram Yadav, R/o ED 338, Sector Q, Aliganj, Lucknow

.....Applicant

By Advocate: Sri Anurag Tripathi

Versus

1. Director of Central Drug Research Institute, Chhatar Manzil, Lucknow.
2. Administrative Officer/Controller, Central Drug Research Institute, Chhatar Manzil, Lucknow.

.....Respondents

By Advocate: Sri Pankaj Awasthi for Sri A.K. Chatruvedi

ORDER

The applicant has filed this O.A. with a prayer to quash the letter dated 3.3.2005 accompanying with letter/order dated 13.4.2004 (Annexure-7) sent by the respondent no.2 with direction to the respondents to give appointment to the applicant on compassionate grounds as the applicant is deserving candidate for appointment under Dying-in-Harness Rules. Further, the authorities have rejected the claim of the applicant arbitrarily and without application of mind.

2. The respondents have filed Counter Affidavit denying the claim of the applicant stating that the
- ~

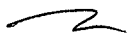
claim of the applicant is barred by limitation and also stating that the rejection order is a reasoned one.

3. The applicant has filed Rejoinder Affidavit denying the stand taken by the respondents and reiterated the pleas raised by him in his O.A.

4. Heard both sides.

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

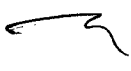
6. Admitted facts of the case are that the father of the applicant late Shree Ram Yadav died on 19.6.2002 while working as Technician Gr.II in RSIC department leaving behind his wife, son (applicant) and three daughters. Thereafter, the widow of the deceased employee submitted an application before the respondent no.1 for appointment of her son i.e. applicant on compassionate grounds under Dying-in-harness Rules and subsequently she also made representations dated 27.6.2002 (Annexure-3), dated 14.3.2003 thereupon the respondent no.2 sent letter dated 21.3.2003 (Annexure-4) to the mother of the applicant stating that no post is available at that time and as and when the post will be available, the matter of appointment of her son would be placed before the Committee. The respondent no.2 sent a letter dated 3.3.2005 alongwith a copy of the order dated 13.4.2004 informing the applicant that his claim



was considered on 25.3.2004 by the Committee constituted for selection of appointment of depending deceased employee on compassionate grounds, but the said Committee has not recommended the case of the applicant. Annexure-7 is the copy of the letter dated 3.3.2005 alongwith the order dated 13.4.2004. It is the contention of the applicant that the said order dated 13.4.2004 was never received either by him or by his mother prior to 3.3.2005.

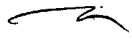
7. The respondents have filed Counter Affidavit stating that on 25.3.2004 the Committee for appointment on compassionate grounds considered the claim of the applicant alongwith nine other candidates for one vacancy under compassionate ground in which Smt. Vandana Parwani was considered for her appointment on compassionate grounds stating that she was having more indigent condition in comparison to other 08 candidates including the applicant and the said recommendations of the Committee was accepted by the Director, CDRI and thereafter the authorities have communicated the order to the applicant through the letter dated 13.4.2004.

8. The respondents have taken the ground that the claim of the applicant is barred by limitation on the ground that he filed the present O.A. on 3.3.2006, whereas the impugned rejection order is dated 13.4.2004. But it is the case of the applicant that the said order dated 13.4.2004 was never communicated



either to him or his mother and they came to know only when they received the letter dated 3.3.2005 enclosing the order dated 13.4.2004. To substantiate the contention of the respondents that they have supplied a copy of the order dated 13.4.2004 immediately or before 3.3.2005. They have not filed any document and in such circumstances, this Tribunal has no other option, but to accept the contention of the applicant that he came to know in respect of such rejection order vide letter dated 3.3.2005. Thereafter he filed O.A. on 3.3.2006, which is within one year and as such the ground of limitation taken by the respondents is not at all sustainable, hence the same is rejected.

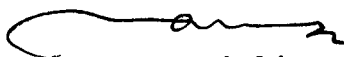
9. In respect of impugned rejection order dated 13.4.2004, the authorities have categorically stated that the claim of the applicant for appointment on compassionate grounds was considered by the Committee in the meeting held on 25.3.2004, but they have not recommended his name and thus, informed to the applicant. In the Counter Affidavit, the respondents have categorically stated that the Committee which considered the claim of the applicant alongwith 08 other candidates on 25.3.2004 for appointment on compassionate grounds for one vacancy in which the Committee recommended the name of Smt. Vandana Parwani who is more indigent condition than compared to other candidates and with such reason, they have rejected the claim of the applicant. The applicant has not found fault for selection of Smt. Vandana Parwani and



it is also not the case of the applicant he is more deserving than the selected candidate. From the reply, the respondents have categorically stated the reasons in the rejection order and in such circumstances there was no fault on the part of the respondents in not considering the claim of the applicant for appointment on compassionate grounds. Hence, there are no justifiable grounds for interference by this Tribunal in the decision taken by the respondents.

10. In view of the above, there is no merit in the claim of the applicant and as such the O.A. is liable for dismissal.

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


(M. Kanthaiah)

17.04.09
Member-J

Girish/-