

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. No.473/2006

This, the 7th day of December 2007.

.Hon'ble Mr. Justice Khem Karan, Vice Chairman

Anil Kumar Tiwari son of Late Sri Ram Kalap Tiwari R/o Sant Nirankari Road, Shivpuram Pandav Ward, Praapgarh, U.P.

Applicant.

By Advocate: Shri S. Kumar.

Versus

1. Union of India through its Secretary Ministry of Finance, New Delhi
2. Narcotics Commissioner-Central Bureau of Narcotics, 19, Mall Road Morar, Gwarlour (M.P.) 474006.
3. Dy. Narcotics Commissioner, Central Bureau of Narcotics, B-912 Sector A Mahanagar, Lucknow-226006.

Respondents.

By Advocate Shri Raj Kumar for Shri N.H. Khan.

Order (Oral)

By Hon'ble Mr. Justice Khem Karan, Vice Chairman

Applicant Anil Kumar Tiwari, has prayed for quashing communication dated 11th July 2006 (Annexure 1) by which his request for compassionate appointment was declined on the ground that a period of more than 5 years had elapsed to the factum of death or to the date of making such request for compassionate appointment. There is no dispute that his father, late Shri Ram Kalap Tiwari was in employment of the respondents and he died on 6.9.98 while still in service leaving behind him, his widow and the applicant. There is further no dispute on the point that applicant's mother Smt. Kamla Devi, gave one application on 30.8.99 (Annexure-I in compilation-II) for giving compassionate

appointment to the applicant and applicant also gave application in April 1999, for such appointment. Applicant kept waiting for the outcome of his request and it was vide impugned communication dated 11.7.2006 he was informed that the same has been declined in terms of memorandum dated 5.5.2003 of DOP&T. His contention is that his matter was never considered on merits in accordance with the relevant guidelines and after keeping the same pending for all these years, it was abruptly turned down on the ground that period of more than 3 years has elapsed to the date of giving of the application.

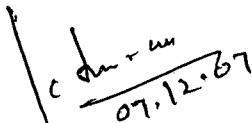
2. Though the respondents have tried to say in the reply that applicant matter was duly considered but, his case could not be recommended for compassionate appointment due to several reasons. But Shri Raj Kumar, appearing for the respondents states that the case of the applicant will be considered as and when vacancies of this quota of compassionate appointment occur in the establishment in question. He says that O.A. may be finally disposed of with a direction that as and when the vacancies of the quota of compassionate appointment ~~do~~^{do} occur in the coming years, the candidature of the applicant will also be considered along with the candidature of such other persons, Shri Shrawan Kumar has no objection to the disposal of O.A. on the line suggested by Shri Raj Kumar.

3. So, the O.A. is finally disposed of with a direction to Respondent No. 2 namely Narcotics Commissioner to re-consider the case of the applicant once more for compassionate appointment under dying in harness rules. ⁱⁿ case, the vacancies of the quota on

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compassionate appointment do arise in the establishment in question in future and in doing so, the earlier communication dated 11.7.2006, will not come in his way.

4. The O.A. is stands finally disposed of but with no order as to costs.


(Khem Karan)
Vice Chairman.

v.