

Central Administrative Tribunal Lucknow Bench Lucknow

Original Application No. 374/2008

This the ^{24/12} day of December 2008

Hon'ble Dr. A. K. Mishra, Member (A)

Sravjeet Kahar, aged about 31 years, son of Late Birju Kahar, Resident of Village-Fateypur, Post Officer-Nariyaon, Tehsil-Alapur, District-Ambedkar Nagar (U.P.)

Applicant.

By Advocate Sri Umesh singh.

Versus

1. Union of India through Secretary, Department of finance, Government of India, New Delhi.
2. General Manager, I.G. Mint, Alipur, Kolkata-53.
3. Manager, Indiaa Government Mint (Taksal), Alipore, Kolkata-53.
4. Deputy General Manager and Had of Department, I.G. Mint (Taksal, Alipore, Kolkata.

Respondents.

By Advocate Smt. Neelam Shukla.

Order

By Hon'ble Dr. A. K. Mishra, Member (A)

The applicant has challenged the order dated 7.4.2008 passed by Respondent No. 2 on his representation for appointment on compassionate ground.

2. The father of the applicant was an employee under the Respondent No. 2. He died on 3.2.1996 while in service. After his death, a representation was made by the applicant on 18.2.1997 for compassionate appointment. This was followed up by an application from his mother on 31.12.2001 recommending the case of the applicant who happened to be the younger son. There was a dispute between the elder son and the younger son. By an order dated 8.8.2003 in O.A.

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285/2002, a direction was issued to the respondents to consider the representation made by the mother of the applicant. In the letter No. 28.2.2004, the Deputy Chief Manager and Head of the Department of the Office of respondent No. 2 replied that the case of the applicant could not be considered on the ground that the family was not in utter pecuniary stringency as to warrant compassionate appointment. The applicant filed O.A. No. 141/2004 against this order and this Tribunal relied on the judgment of the Apex Court in Govind Prakash Versus LIC 2005 SCC L&S 590 and held that refusal of compassionate appointment solely on the ground that the applicant's mother had received retrial benefits was not legally sustainable; therefore, the matter was again remitted to the respondents for reconsideration.

3. The judgment and order dated 9.9.2005 of this Tribunal was served on the respondent No. 2. Thereafter, he constituted a committee of four members to review the case of the applicant for compassionate appointment along with the other cases. The committee included the name of the applicant in a panel prepared for compassionate appointment against future vacancies. This fact was informed to the applicant vide letter dated 8.7.2006.

4. The applicant has challenged the impugned order as one which flies in the face of the assurance given by the respondent No.2 that his name had been kept in a panel which would be operated on getting sanction of future vacancies. It is unusual that the respondents should change the stand now and say that the applicant could not come within the zone of consideration, when he had already placed him in an approved panel. It is a clear case of non application of mind and disregard to the direction of this Tribunal to consider the case of the applicant and pass a reasoned order.

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5. In view of the contradiction pointed out in the preceding paragraph, we hold that the finding of the respondent No. 2 that the applicant could not come under the purview of the consideration zone in respect of the vacancies for the years 2004,2005 and 2006 and therefore, his case was closed can not be supported in the context of his own letter dated 8.7.2006.

6. The direction of the Tribunal is for passing a reasoned order. The order should indicate that the case of the applicant was considered against the vacancies which arose after 8.7.2006 on the basis of the panel which was already drawn up for that purpose. If at all his case is rejected, proper grounds should be mentioned why his case was considered ineligible as against the cases of other panelists. It was not correct to dismiss his application saying that he could not qualify for the vacancies for the years 2004,2005 and 2006 when the respondent himself had taken the stand that the applicant would be considered against future vacancies arising after 8.7.2006.

7. Under the circumstances, I have no other option but to set aside this order and direct the respondent No. 2 again to consider the case of the applicant in respect of future vacancies arising after 8.7.2006 for which according to his own version a panel was approved. He should give cogent reasons either to accept or to reject his case. No costs.


(DR. A. K. Mishra)
Member (A)