

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

Original Application No. 448/2010

This, the 6th day of January, 2012

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

Rajesh Kumar son of late Ram Swaroop Verma aged about 26 years resident of Village Hamidpur, Para (Dherahaniya) Post Dubeypur, District- Pratapgarh

Applicant

By Advocate: Sri Akhilesh Pandey

Versus

1. Union of India through the secretary, Ministry of Defence (Civilian) Affairs, Govt. of India, New Delhi.
2. The Chief Engineer, Madhya Kaman, Lucknow.
3. Garrison Engineer (West), New Cantt, Allahabad, U.P.

Respondents.

By Advocate: Sri S.K.Singh

ORDER (Dictated in Open Court)

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

Heard the rival submissions and perused the material on record..

2. This O.A. has been filed for the following reliefs:-
 - i) pass an order or direction commanding the respondent to appoint the petitioner on the compassionate grounds under dying in harness rules.
 - ii) pass any order or direction commanding the respondents to grant any financial assistance for rehabilitation for redressal of his grievances of the family members of the deceased Ram Swaroop Verma and to decide the representation of the petitioner as contained in Annexure 1 to the application.
 - iii) pass any other appropriate order or direction which the Hon'ble Tribunal may deem fit and proper under the



circumstances of the grievances in the interest of justice in favour of the applicant.

iv) to allow the application with costs in favour of the petitioner.

3. The case of the applicant is that his father namely Ram Swaroop Verma was working on the post of F.G.M. in C.O.D., Chheeki, District Allahabad. Unfortunately, he died on 12.12.2009, while working. The applicant happens to be one out of the six sons of the deceased. An application was moved for compassionate appointment on 14.5.2010. It is said that no suitable action has been taken so far.

4. The claim has been contested by the official respondents saying that it is a pre-mature OA. It has been said that the widow of the deceased has already been paid retiral benefits between 6 to 7 lakhs. Besides, she is also getting family pension of Rs. 6695 + usual D.A. But in the entire O.A., there is no mention about retiral dues. In respect of pending application of compassionate appointment, it has been specifically pleaded in paras 4 and 5 of the CA. that last reminder was issued on 10 June, 2010 regarding some documents which are required to be verified and further record He said that the reply is still awaited.

5. In the R.A., the aforesaid averments contended in para 4 and 5 have been replied in a sweeping manner. Nothing has been said as to why necessary documents were not submitted for varification. Similarly, no reply has been given in respect of last reminder dated 10th June, 2010 which is said to have been issued by the respondents in this regard.

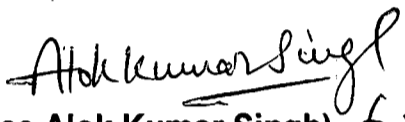
6. From the aforesaid facts and circumstances, it transpires that the application for compassionate appointment is still pending for disposal and probably it could not be considered

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by the respondents for want of certain documents which have been sought. Apparently, therefore, this O.A. is pre-mature in the light of provisions of the AT Act.

7. In the circumstances, no relief can be granted at present.

8. In view of the above, this OA. stands dismissed. No order as to costs. However, it is provided that as soon as the relevant documents are submitted, the case of the applicant may be considered expeditiously in accordance with law and relevant provisions.


(Justice Alok Kumar Singh) 6.1.12
Member (J)

HLS/-