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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 88 of 1991

Krishta Nanda Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C. Srivastava, VC

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, VC)

As counter-affidavit has been filed, the case is ready for hearing and accordingly, is being disposed of finally.

2. This application has been filed under section 19 of the Administrative Tribunals Act, 1985 with a prayer that the respondents are directed to give him appointment on compassionate ground against the regular vacancy and the orders passed by the respondent no. 1 for giving appointment to him be enforced.

3. The father of the applicant sri Mishri Mohan retired from service on 31.12.1981 because of his ill health. The applicant who even earlier to the retirement of his father, was working in the establishment. After the retirement of his father, the applicant moved an application for his appointment in place of his father on compassionate grounds and on his application the respondent no. 1 passed an order on 13.11.1981 directing the respondent no. 2 to engage the applicant in a suitable job in case, he is otherwise found fit (vide Annexure-3 to this application), but nothing was done by the respondents. The applicant was appointed in carriage and Wagon Department at Haridwar in the year 1974-75


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The applicant has been working on various posts since 1976. The applicant has moved representation after representation to the respondents in this behalf; but nothing was done by the respondent no. 2.

4. The respondents have resisted the claim of the applicant in their counter-reply; and it has been stated that the applicants' father, Sri Mishri Mohan, retired as a Highly Skilled Fitter on 31.12.1981 on attaining the age of superannuation and not on account of ill health or any other reasons; and it has further been stated that the D.R.M., Moradabad has directed to engage the applicant as Casual Labour if he fulfils the requisite conditions for engagement, but the applicant did not fulfil the requisite conditions for engagement as Casual Labour and as such he was not engaged. In these circumstances the applicant cannot challenge for appointment on compassionate grounds because his father has retired on attaining the age of superannuation; and as such no weightage can be given to him for regularisation, as he has not worked continuously. However, the case of the applicant be considered if he is otherwise found entitled for the same. With the above observation, the application is disposed of finally. No order as to cost.


Member (A)


Vice-Chairman

Lucknow Dated 15.7.1992.

(RKA)