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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A. No. 91 of 1991

Krishna Kumar

Applicant.

versus

Union of India through Secretary  
to the Govt. of India Ministry of  
Defence, New Delhi.

2. A.D.M.S. Headquarters  
M.P.B& O Area Jabalpur.
3. Headquarters Central Command  
(Medical), Lucknow.
4. Officer Commanding,  
Station Health Organisation,  
Faizabad.

Respondents.

Shri Manik Sinha  
Shri A.K. Chaturvedi

Counsel for Applicant.  
Counsel for Respondents.

(Hon. Mr. S.N. Prasad, Member Judicial)

The applicant has approached this Tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer for issuance of a direction to the respondents to provide him appointment on compassionate ground in Class IV post.

2. Briefly stated, the facts of the case, inter alia, are that the real elder brother of the applicant, namely Sri Sunder Lal (since deceased) had been working as a Chowkidar in the Station Health Organisation, Faizabad under Indian Army and due to his not being in good state of health, he retired

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prematurely on medical grounds on 31.1.89. After premature retirement, ~~of~~ the afor said Sundar Lal died on 19.1.90. ~~As~~ during his life time ~~the~~ said Sundar Lal, on 28.2.89 ~~had~~ made representation under registered cover to the respondent No. 2 giving copies thereof to respondents 3 and 4 praying for ~~his~~ <sup>applicant's</sup> appointment in Class IV post, but of no avail. Hence the applicant approached this Tribunal.

3. In the counter, the respondents have resisted the claim of the applicant mainly on the ground that the applicant was neither the dependant of the said Sundar Lal, nor was the member of the family <sup>Sundar Lal</sup> of the deceased. It has further been contended that the applicant had not contacted the respondent No. 4 and had not completed all the formalities as per C.P.R.O. 45/79.

4. The applicant has filed Rejoinder Affidavit, wherein he has reiterated almost all those points as mentioned in the application.

5. I have heard the learned counsel for the parties and have thoroughly gone through the records of the case.

6. A perusal of the application of the applicant and the papers annexed thereto reveals that the said Sundar Lal <sup>and the applicant had not</sup> completed all the formalities regarding submission of the application for appointment in Class IV post on compassionate grounds as per CPRO 45/79 and thus, this being so, no proper order could be passed by the respondent No. 2

7. Annexure 1 to R.A. is the copy of the succession certificate issued by Civil Judge, Faizabad which shows that the applicant is the legal heir of the deceased Sundar Lal.

8. This is noteworthy that the entire claim of the applicant appears to have been based on the basis of letter No. 35014/1/85 Estt(D) dated 7.4.86

issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel Training) which is in a detailed manner in this regard.

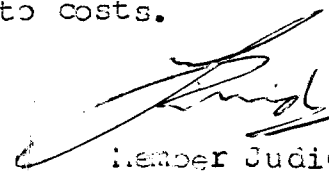
9. Having considered all the material on record, I find that a direction to the respondent No. 2 to decide the application of the applicant which is submitted to the respondent No. 2 by the applicant after completing all the formalities as per CPRJ 45/79 (as referred to above in Annexure - 9, Compilation No. 2) will go a long way in meeting the ends of justice. Thus, in this view of the matter and having considered all the aspects and circumstances of the case, I find it expedient to direct the respondent No. 2 to decide the application of the applicant by a reasoned and speaking order within a period of 3 months after the receipt of application from the applicant/<sup>completed</sup> in all respects as per CPRJ 45/79, keeping <sup>in</sup> view the directions contained in the aforesaid letter No. 35014/1/85 Estt. (D) dated 7th April, 1986 (Annexure -12, compilation No. 2) and all the relevant and extant rules and orders in regard to appointment of sons/daughters/<sup>near</sup> relation of Government servant in Group C and D posts who are retired prematurely on medical grounds, and the applicant is directed to submit his application after completing all the formalities as per CPRJ 45/79 (as referred to in Annexure 9 of compilation No. 2) within a period of one month from the date of receipt

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of a copy of this order, and I order accordingly.

10. The application of the applicant is disposed of as above with no order as to costs.

  
28.3.92  
Member Judicial.

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Lucknow: Dated 28.3.92,

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