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CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.137 of 2006

Date of order : 28<sup>th</sup> February, 2006

C O R A M

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Pankaj Kumar Sinha ..... Applicant

Vrs.

Union of India & Ors. ..... Respondents.

Counsel for the applicant : Shri S.K.Sinha

Counsel for the respondents : Shri P.N.Kumar, Id. ASC

O R D E R [ ORAL ]

Justice P.K.Sinha, VC :-

Heard the learned counsel for the applicant and Shri P.N.Kumar, Id. ASC, for the respondents. The father of the applicant late Audhesh Kumar Sinha while working as Deputy Office Superintendent, Central Excise, Patna died in harness on 18.12.2003. The learned counsel for the applicant has pointed out various annexures starting from Annexure-A/7 through which various representations were filed before the competent authority for appointment of the applicant, son of the deceased employee, on



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compassionate ground which <sup>did</sup> not elicit any reply. Annexure-A/6 is pointed out in which the officials had sent a letter to another official about the terminal benefits granted to the family of the deceased employee, also stating therein that the application of the applicant for such appointment had been registered, and if vacancy was available, in order of seniority his case would be considered sympathetically. The learned counsel then points out Annexure-A/10 which is a communication of Additional Commissioner [CCO], Central Excise, Ranchi to another official relating to pending cases for compassionate appointment emphasizing the need to expeditiously dispose of such applications. Thereafter also representations were sent. The learned counsel points out Annexure-A/11 claiming that this shows that the vacancies are available.

2. When queried, the learned counsel for the applicant categorically stated that the respondents have not given any reply to the representations hence all the representations would be deemed to have been pending.

3. When an application for appointment on compassionate ground is made and if there is vacancy and the dependent of the deceased employee is found eligible for such appointment, it is incumbent upon the authority concerned to grant such appointment as expeditiously as possible, otherwise the very purpose for such appointment would be defeated. If for some reasons



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the authorities disallow such appointment, they should take a decision expeditiously for that also and communicate the same to the applicant.

4. In that view of the matter, this application is disposed of by directing the Respondent No.5 [ wrongly typed as Respondent No.6 ], Commissioner, Central Excise, Patna [Headquarter Patna] to treat this application as a representation of the applicant and after considering the same, pass speaking order within three months of the receipt of a copy of this order along <sup>with</sup> a copy of this application. The applicant is hereby directed to provide to Respondent no.5 a copy of this order along <sup>with</sup> a copy of this application with annexures, within fifteen days of the receipt of certified copy of the order.

5. With the aforesaid directions, this application is disposed of.

  
[ P.K.Sinha ]  
Vice-Chairman

mps.