

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 334 OF 2006

[Patna, this Monday, the 29<sup>th</sup> Day of May, 2006]

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C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

HON'BLE SHRI S.N.P.N.SINHA, MEMBER [ADMN.]

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1. Sharda Devi, W/o Late A.N.Vidyarthi.
2. Narendra Kumar, S/o Late A.N.Vidyarthi.

Vs.

Union of India & Ors.

Counsel for the applicants. :- Shri J.K.Karn.

Counsel for the respondents.:- Shri M.K.Mishra, SSC.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- Heard learned counsels for both the sides.

2. Father of the applicant no.2 had died in harness on 03.07.2003 whereafter application was filed for appointment on compassionate ground of the applicant no.2, namely, Narendra Kumar, S/o A.N.Vidyarthi. Our attention has been drawn to Annexure-A/7 which is a letter sent by the Joint Commissioner [P&V], Central Excise, Patna dated 27.04.2006 addressed to the applicant no.2 stating therein that the department had processed and completed all formalities required for compassionate appointment but due to non-availability of vacancy in compassionate appointment quota in the desired grade, i.e., TA/Stenographer, appointment letter had not been issued till date. The applicant no.2 was further intimated that his case was kept in the waiting list, his sl.no. being 10, further stating that as soon as vacancy occurred in the



*desired grade* [emphasis supplied] his case would be considered. Our attention also has been drawn to Annexure-A/6 which is a letter of Under Secretary to the Govt. of India in the Ministry of Finance, Department of Revenue, addressed to the Commissioner of Central Excise, Patna relating to representation of the applicant no.2 for the same purpose which was received by them from the President's Secretariate, requiring the Commissioner of Central Excise, Patna to give his case top priority as the three years \* period allowed by DOP&T would expire on 02.07.2006. Learned counsel submits that the applicant had been, and is, willing to be considered for a Group 'D' post and if there be any such vacancy he may be considered for appointment on that post.

3. The learned Sr. Standing Counsel for the respondents submits that when assurance has been given in Annexure-A/7 that his case would be considered as soon a vacancy was available in the desired grade, this application is premature.

4. However, issuance of a direction appears to be necessary to us since Annexure-A/7 gives an impression that his case was being considered for a Group 'C' post whereas the applicant was ready to be appointed on Group 'D' post and, as per Annexure-A/6, the three years period for consideration of such cases would expire on 02.07.2006 in the case of this applicant.


5. In view of the aforesaid, we are of the opinion that this application can be disposed of with direction to respondent no.3 [The Commissioner, Central Excise, Central Revenue Building, Birchand Patel Path, Patna] to consider the case of the applicant not only for a Group 'C' post but also for a Group 'D' post and to pass an appropriate order, also in view of


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the letter at Annexure-A/6, by 30.06.2006 by a speaking order.

6. The applicant is hereby directed to make available the respondent no.3 a copy of this order along with a copy of this application with annexures, within a week of receipt of the certified copy of the order.

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

  
[S. N. P.N. Sinha]/M[A]

  
[P. K. Sinha]/VC

skj