

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

OA No. 357/06
[MA No. 341/06]

Patna, dated the 28th June, 2006

CORAM: The Hon'ble Ms. S. Srivastava, M[J]
The Hon'ble Shri S.N.P.N.Sinh, M[A]

Bisheshwar Singh, son of Late Ram Janam Singh, Village Bramhar,
PO & PS Piro, District Bhojpur, present at Azad Nagar Mange,
Jamshedpur, Jharkhand.

Applicant

By Advocate: Shri B.P.Singh
versus

1. The Union of India, through the Commissioner, Central Excise & Customs Department, Patna
2. The Deputy Commissioner, Central Excise & Customs Department, Division Motihari.
3. The Assistant Commissioner[Est], Central Excise & Customs Department, Bihar, Patna.

Respondents

By Shri M.K.Mishra

ORDER

S. Srivastava, M[J]:

The applicant is aggrieved by an order dated 26.5.2004, as contained in Annexure-4, rejecting the case of the applicant for appointment on compassionate grounds.




2. The facts are that Ram Janam Singh, while working as Sepoy in Central Excise & Customs, Patna died in harness on 8.1.1998, leaving behind his widow and two sons. The applicant submits that his case has been rejected by a short and cryptic order.

3. Shri M.K. Mishra, learned Senior Standing Counsel for the respondents, raised an objection that the impugned order has been passed in the year 2004 and the instant OA has been filed in the year 2006. Hence, the OA is barred by limitation and the same is liable to be dismissed.

4. M.A.No. 341 of 2006 has been filed by the applicant for condonation of delay for filing the OA.


5. Heard. It is true that appointment on compassionate grounds is not a vested right. The object is to tide over the sudden financial crisis. The appointment can be claimed within the limit of 5% vacancies earmarked for such appointment. Still, however, the assessment is to be made objectively. The impugned order does not, *indicate* that the assessment was made in an objective manner. The facts as they stand go to indicate that both the sons of the deceased employee are unemployed. The impugned order, being very short and cryptic, it is difficult to ascertain the actual state of affairs. This Tribunal, however, cannot direct for appointment. It can only give direction for consideration. Therefore, we are of the opinion that the respondents may be directed to pass a speaking order

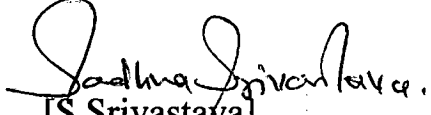


detailing all the facts to meet the requirements of law in the matter of compassionate appointment so that the Tribunal may be able to come to a conclusion that the case of the applicant was rejected for valid reason.

6. The OA is, accordingly, disposed of with a direction to the respondents to pass a speaking order detailing the reasons why the applicant was not found fit for appointment on compassionate grounds within a period of three months from the date of receipt of a copy of this order and communicate the same to the applicant.

7. The MA ^{also} stands disposed of. There shall be no order as to costs.


[S.N.P.N. Sinha]
Member[A]


[S. Srivastava]
Member[J]

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