

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA.

O.A. No. 435 of 06

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member [ J ]

Brij Lal Thakur, S/o Late Chandrika Thakur  
Vs.  
U.O.I through D.G., AIR, New Delhi and Another

Counsel for the applicant : None  
Counsel for the respondents : Shri S.K. Jha

O R D E R [ Oral ]

12.12.2007

S. Srivastava, M [ J ] :- By means of this OA the applicant has challenged the order dated 21.11.2005 [ Annexure A/5] whereby the applicant's request for appointment on compassionate ground has been rejected for want of vacancy.

2. The facts, in brief, are that the father of the applicant while posted in All India Radio, Patna, died in harness on 8.9.04, leaving behind widow, three sons [ including the applicant ] and four married daughters. After the death of his father, the applicant made representation for his appointment on compassionate ground which has been rejected by the respondents by the impugned order. Hence this OA.

3. The applicant has challenged the impugned order mainly on the



ground that the impugned order is non-speaking and his case has been rejected by the respondents arbitrarily. It is alleged in the OA that the purpose of providing compassionate appointment is to mitigate the hardship arising out of death of bread earner in the family. The applicant's case for consideration for appointment on compassionate ground can be kept alive for three consecutive years, and thereafter, his case should be closed finally, whereas the respondents vide impugned order has finally rejected the case of the applicant.

4. The respondents have filed their written statement stating therein that Late Chandrika Thakur, father of the applicant had died in harness on 8.9.04 and three years have not elapsed, and before that the applicant has filed the present OA. It is further stated that the case of the applicant has not been finally closed for consideration for appointment on compassionate ground. Since in the year 2005 there was no vacancy, therefore, it was not possible to appoint him on compassionate ground.

5. Since the respondents have themselves stated in their written statement that applicant's case has not been finally closed and his case has not been considered thrice, the OA appears to be premature and can be disposed of with suitable direction.

6. In view of the above submissions made by the respondents in their written statement, I am of the opinion that this OA be disposed of with direction

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to the respondents to consider the case of the applicant as and when vacancy arise in future, as per rule.

7. With the aforesaid direction, this OA is disposed of without any order as to the costs.

  
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Sadhna Srivastava ] M [ J ]

/cbs/