

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 1123/92

Date of Decision: 3.12.92 RJ

MANOJ KUMAR SRIVASTAVA : Applicant.

Mr. A. Bhatnagar : Brief Holder for
Mr. A.K. Bajpai : Counsel for the applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

CORAM:

HON'BLE MR. S.R. BHANSALI, JUDICIAL MEMBER

PER HON'BLE MR. S.R. BHANSALI, JUDICIAL MEMBER:

One Surya Prakash Srivastava was working as Branch Post Master, Fatehpuri Gate Post Office at Sikar and while he was still in service he died on 15.8.1976 leaving behind his widow as also four sons the details of which have been given in para 4 of the application. At that time, Manoj Kumar is said to be aged 7 years and, therefore, when he became major he applied for appointment on compassionate grounds but the respondents vide order dated 30.12.87 (Annexure A-1) rejected the application on the ground that his mother was already employed in the State service and, therefore, appointment on compassionate grounds cannot be given to the applicant.

2. Later on, the mother of the applicant, namely, Sharda Devi, applied for employment on compassionate grounds for her son on 18.1.88 (Annexure A-7) and since there was no reply to this representation, a notice for Demand of Justice dated 3.1.1992 (Annexure A-8) was sent to the respondents but till date they have not responded.

3. The applicant has, therefore, filed this O.A. seeking an appointment on compassionate grounds.

4. I heard the learned counsel for the applicant.

5. In my opinion, it was necessary for the respondents to reply the representation given by the mother of the applicant as also the notice for Demand of Justice (Annexure A-8) but they have not done so.

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6. On behalf of the applicant, an M.P. has also been filed along with this O.A. for condonation of delay. Looking to the circumstances stated in the M.P., I condone the delay and treat this O.A. as within TM a time-limit because appointment on compassionate grounds can be sought only after a person becomes major or is eligible to serve.

7. I therefore, while disposing this O.A. at the admission stage, direct the respondents that they must dispose of the representation of the mother of the applicant dated 18.1.88 as also the notice for Demand of Justice dated 3.1.92 (Annexure A-8) by a speaking order within three months from today and in case, the applicant is found to be eligible for appointment then the same should be given to him commensurate with his educational qualifications.

No orders as to costs.

J. R. Bhansali 3/12
(S.R. BHANSALI)

Member (Judicial)