

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O. A. 943/99

dt. 28-6-1999

Between

1. Md. Jaffar  
2. Md. Yakub

: Applicants

and

1. Commissioner of Central Excise  
Central Excise HQ  
Basheerbagh, Hyderabad

2. Dy. Commissioner (P&V)  
Central Excise HQ, Basheerbagh  
Hyderabad

3. Asstt. Commissioner of Central  
Excise, Warangal Division  
Warangal

: Respondents

Counsel for the applicants

: N.R. Devaraj  
Advocate

Counsel for the respondents

: B. Narasimha Sharam  
Sr. CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

*R*

*2*

## Order

Oral order (per Hon. Mr. R. Rangarajan, Member(Admn.) )

Heard Mr. W. Satyanarayana for Mr. N.R. Devaraj for the applicants and Mr. M.C. Jacob for Mr. B. Narasimha Sarma for the respondents.

1. The OA is admitted.
2. The second applicant in this OA is the son of the first applicant. The first applicant was medically decategorised. Hence he applied for grant of compassionate ground appointment to his son i.e. applicant No.2 herein by his letter dated 1-4-93 (Annex.IV). The respondents by letter dated 13-6-95 (Annex.V) offered post of Sepoy to the Applicant No.2 herein and called him for physical endurance test. It is submitted that the applicant underwent the test successfully. The applicant was informed on 1-10-96 (Annex.VI) that there <sup>were</sup> ~~are~~ no vacancies in that year and his compassionate ground appointment was not given effect to. Later on the applicant was asked to submit his latest bio-data, property and particulars of his family members by letter No.C.No.II/3/6/93-EV dated 26-6-98 (Annex.VII). The applicant also submitted a representation dated 15-4-1998 (Annex.IX). By telex message vide Annex.VIII he was also required to report whether any close sibling of the applicant is employed. It is stated that a suitable reply was given. In spite of this no order for compassionate ground appointment was issued.
3. This OA is filed praying for a direction to Respondent-1 to provide the applicant a job as Sepoy on compassionate ground appointment <sup>as</sup> ~~to~~ applicant No.2 was found fit in the tests vide

..2.

*D*

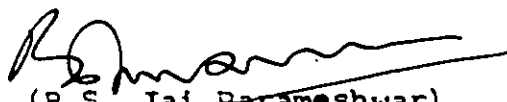
No.C.No.II/31/2/95-Estt dated 13-6-95 and also the information obtained as recently as June, 1998 pursuance to letter dated June, 1998.

4. From the material available on record it appears that the applicant <sup>no 2</sup> has been found fit for compassionate ground appointment as Sepoy but in a particular year probably when he submitted his representation there were no vacancies for compassionate appointment and that his case was not considered and further he was asked to submit some more details.


5. In view of the above position it has to be held that once the applicant has been already considered for compassionate ground appointment his name should have been entered in the register ~~and~~ maintained for compassionate ground appointment. That register holds good till the turn of the applicant comes for appointment on compassionate ground.

6. In view of the above if the case of the applicant is <sup>adjudged as</sup> fit for compassionate ground appointment his name should be registered in the register and his case considered in accordance with law for appointment. A suitable reply in regard to registration of the applicant's name for compassionate ground appointment and the Sl.No. under which his name has been registered be intimated within a period of one month from the date of receipt of copy of this order.

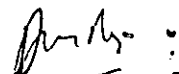
7. With the above direction the OA is ordered at the admission stage itself. No costs.

  
(B.S. Jai Parameshwar)  
Member (Judl.)

28.6.99

  
(R. Rangarajan)  
Member (Admn.)

Dated : June 28, 1999  
Dictated in Open Court

  
20/6/99

COPY TO:-

1. HOHND

2. HHRP M(A)

3. HBSJP M(J)

4. D.R.(A)

5. SPARE

1ST AND 11ND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR  
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD :  
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :  
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR :  
MEMBER (J)

ORDER: 28/6/99

ORDER - JUDGEMENT

MA./PA./CP No.

in

GA. No. 943/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

C.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

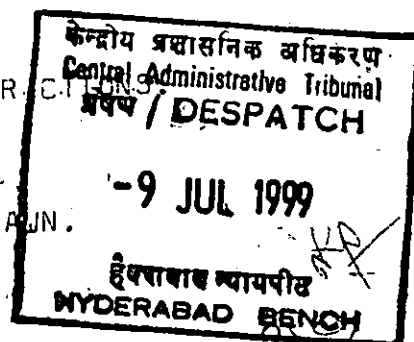
DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS.

SRR



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