

0/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 156 /2003

Misc Petition No: /

Contempt Petition No: /

Review Application No: /

Applicants: Surendra K. Thakur

Respondents: U. O. I & Ors.

Advocate for the Applicants: M. K. Bhattacharjee

Advocate for the Respondents: C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time Condonation Petition is filed for Smt. C. F. for Rs. 5/- deposited yug 110/6/ N 24.565/403 Dated 2.6.02	11.7.2003	Heard Mr. M.K. Bhattacharjee, learned counsel for the applicant and also Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.
<i>By Register</i>		The issue for adjudication pertains to compassionate appointment. The father of the applicant late Raghunandan Thakur died on 15.8.1994.
Stamps taken alongwith envelope.		The applicant applied for compassionate appointment on 18.8. 1996. The authority intimated the applicant as far back 28.7.2000 that the authority scrutinized the name of the applicant alongwith others for compassionate appointment and the applicant was placed at serial No.104. It was also informed that the name of the applicant did not appear in the range of the eligible candidates and the case of the applicant would be considered by August, 2000.
		Contd/-

11.7.2003

The object of providing employment to a dependent of a Govt. servant, dying in harness in departure of general recruitment rules is done on humanitarian ground, to tide over the sudden crises in the family due to the death of the sole bread earner which has left the family in penury. Considering the lapse of time it would not be appropriate for the Tribunal to exercise its discretion in respect of a stale claim. The application thus dismissed. No order as to costs.

18.7.2003

Copy of the order has been sent to the Office, for issuing the same to the applicant as well as to the Addl. C.G.S.C. for the record.

HS

mb


Vice-Chairman

10 JUL 2003

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH. Guwahati Bench

LIST OF DATES

15-8-1994 : Applicants father died in harness as Barbar, a civilian employee under Military Hospital Masimpur.

18-8-1996 : Applicant as dependent son applied for compassionate appointment in place of his deceased father. Being of tender age he could not apply earlier.

28-7-2000 : Respondent No.2 Director General, Medical Service Army Headquarter intimated to apply again in August-September 2000 as he was not found eligible at the first selection but commitment was made for future employement.

25-8-2000 : The same respondent asked for details of dependent members of a family by September 2000 which he complied with promptly.

5-11-2002 : The applicant forwarded the same details through proper channel which fact was confirmed by the Commanding Officer, Military Hospital on 5.11.02 indicating that vacancies still existed in the Military Hospital.

11-9-2002 : The applicant submitted many reminders but to no effect when he submitted a summarised petition praying for justice with compassionate appointment in fulfilment of the promise earlier made. His case deserved special treatment as a person of SC community.

Surendra Thakur

By
Nukkattu
Asst. Secy
27-06-93
5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH

O.A 156/03

BETWEEN

SURENDRA THAKUR

..... Applicant

AND

Director General of Medical Services

Army (DGMS - 3 B) Respondent

1. Details of the Applicant :

(i) Name of the Applicant : Shri Surendra Thakur,

(ii) Name of Father : Late Raghunandan Thakur.

(iii) Designation and

Office in which

employed : Unemployed.

The applicant's father

was a Barber in No.

160 Military Hospital at

Masimpur Dist. Cachar,

Assam who died in

harness on 15-08-1994

and as a son & dependent

contd. p 2/-

Post
Box No. 6000
Dibrugarh

-2-

of the deceased employee the
applicant has been seeking
appointment on compassionate
ground as per the departmental
norms.

Home Address : Village- Tikargram, P.O.
Arunachal, Dist. Cachar, Assam

iv) Office Address : Commanding Officer,

160 Military Hospital
C/0 99 APO.

v) Address for Service

of all notices : Director General of Medical

Services / Army DGMS - 3 B

Army Headquarter " L " Block

New Delhi - 110001

and the Commanding Officer

160 Military Hospital, Masimpur
P.O. Arunachal , Dist. Cachar
Assam.

Surinder Thakur

Mr. S. S. Bhatnagar

-3-

2. Particulars of the
Respondents

(1) Name and/or Designation :

(1) Secretary to the Govt.

of India Ministry of
Defence, New-Delhi.

(ii) Director General of
Medical Services/ Army

(DGMS - 3B) Army Head-
Quarters, 'L' Block,
New-Delhi.

(iii) Commanding Officer,
160 Military Hospital
C/O 99 A.P.O.

(i) Ditto

(ii) Ditto

(iii) Ditto

Gurender Singh
8

By
Mukundan Singh
Mukundan Singh

-4-

3. Particulars of the
Order against which

application is made. : The application is made
against the non-fulfilment
of the commitment made by
the Respondent No. 1 in his
letter No. 11346/DGMS-3(B)
dated 28-07-2000 and repeated
in letter No. 3/72301/DGMS-
3B dt/- 25-8-2000 in response
to which necessary particulars
were furnished by the applicant
as confirmed by the
Respondent No. 3 in his letter
No. 803/CIV/RIV dt/- 05-11-
2002 by Respondent No. 3.

4. Jurisdiction of the

Tribunal : The applicant being the Govt.
son/ dependent of his civilian
employee ^{fakes} in the Army Medical
Services declares that the
Subject matter in which he
wants redressal is within

Guruchandra Thakur
Suruchandra Thakur

By
Parbatbaran
Bose

-5-

the Jurisdiction of the
Tribunal.

5. Limitation : The applicant further ~~does~~
declares that the appli-
cation is within the limi-
tation prescribed in S/21
of the Administrative
Tribunal ACT, 1985.

6. Facts of the case : 1) That the applicant is the
son/dependent of his
deceased father Late
Raghunandan Thakur who
died in harness on 15-08-
1994 while working as a
Barber in No. 160 Military
Hospital, Masimpur, Dist-
Cachar, Assam.

A copy of his death Certificate
is submitted as
Annexure - A 1.

Surendra Thakur

By
Brij Bhushan
Hosalkar
to

-6-

ii) That at the time of his premature ~~as~~ death the applicant's father left behind him his wife, one daughter and the applicant in the family as legal heirs. At that time the applicant was of tender age.

iii) That on attaining majority the applicant applied on 18-08-96 for his appointment on Compassionate ground for immediate relief of the family since his father had no movable or immovable property excepting the meagre family pension admissible to the mother of the applicant. On receipt of that prayer the competent authority in the person of Director General of Medical Services, Army Head Quarters, New-Delhi intimated to the applicant

Babu
Om Prakash
Awards

2

-7-

on 28-7-2000 that the Selection Board Constituted for the purpose of compassionate appointment did not find the applicant eligible for such appointment but simultaneously committed that his case would be considered again in Aug- Sept '2000 when a Board of Officers would be constituted.

A copy of letter No. 11346/DGMS -3 (B)

dated 28-07-2000 is submitted as

Annexure A 2.

iv) That in a subsequent letter dt/-

25-8-2000 the same DGMS, Army

Hd. Quarters asked the applicant

to furnish the details of dependent members of family and

their status duly verified by

local authorities like BDO/

Tahsildar for consideration of

the case of the applicant by

September '2000.

Surendra Thakur
Surendra Thakur
Ankitpal Singh
Ankitpal Singh

-8-

A copy of this letter No. B/72301/

DGMS- 3 B dated 15-8-2000 is submitted
as the Annexure A-3.

v) That the applicant forwarded the
necessary particulars to the DGMS
which fact was confirmed by the
Commanding Officer , 160 Military
Hospital, Masimpur in his letter No
803/ CIV/RIV dated 05-11-2002
addressed to the DGMS . Army Hd. Qr.

A copy of this letter is submitted
as Annexure A-4.

VI) That in the letter dt/- 5-11-2002
and a subsequent letter No. 803/CIV
/RIV dt/- 15-01-2003 the Commanding
Officer wanted to know the result
of the Board meeting Vis- a-VIs the
position of the applicant as to the
progress of his compassionate
appointment indicating that vacancy
still existed for accommodating
the applicant. In previous letters
also the Commanding Officer
recommended help of the applicant
for his indigent condition.

Supremebait Thakur

68
Dak Bhawan
Dak Bhawan
13

-9-

A DCopy of letter dt/- 15-1-03 to

at Annexure A-5.

Vii) That despite the very pathetic condition of the family and despite the repeated commitment uttered by the DGMS, Army Head Quarters, New Delhi since August-Sept' 2000 no positive action has been taken to extend the relief by offering a an appointment to him on compassionate grounds.

Viii) That original prayer was for appointment on compassionate ground of the applicant as a Group 'D' Barber alike his ~~xxx~~ father. But the educational Qualification of the applicant

Govemor of Bihar

By
N. K. Bhattacharya
Mysore

14

- 10 -

is a Matriculate as per Certi-

ficate furnished by the Secy. to

the Bihar School Examination

Board, Patna .

A copy of Secondary School

Examination Board Mark Sheet from

G. A. H.S. Lalganj Bihar as submi-

tted as Annexure A-6.

IX) That as per his educational

Qualification the applicant's

appointment need not be res-

tricted to Group - D Cadre .

He is fit to hold a Group C

C Post which may also be offered

to him for his poor family

sustenance and maintenance in

these days of economic distress

with four heads in the family.

In the absence of a suitable

Surrender That You

By
Marko Zalay
of Sarajevo

- 11 -

Group C post on Medical services,

appointment may be given in other

Units under Army Hd. Quarters.

x) That the mother of the applicant

also died on 1-3-2000 from which

date her family pension also

stopped as if to augment the

agony & misery of the family.

XI) That after the departmental

commitment the applicant invi-

ted the attention of the DGMS

in a number of times since

March' 99 which was summarised

in his prayer dt/- 11-09-2002.

But the department gave a deaf ear

to the same for reasons unknown

to the applicant. A copy of the

prayer is submitted as

Bhupinder Singh
Chaplain
18
SS
Supernumerary

- 12 -

XII) That the applicant belongs to S/C Community deserving special treatment.

A Copy of S/C Certificate is submitted as Annexure A-8.

7.

7. Reliefs sought : In view of the foregoing submission the applicant belonging to S/C Community begs to seek the relief of compassionate appointment either in Group-D or a Group 'C' suitable post without any further delay by by relaxation of age, if necessary.

8. Interim Order , if

any prayed for : As per the latest letter of the Commanding Officer in 160 Military Hospital at least one Group 'D' Post of Barber is still vacant. Interim order

may kindly be passed to keep

By
Anupshaher
Anupshaher
17

-13-

Surendra Thakur

keep one such vacancy post

reserved for the S/C applicant

till final disposal of application.

9. Details of

the remedies

exhausted : The applicant made several prayer/

representation to the Director

General of Medical Services, Army

Hd. Quarters through the Commanding

Officer, 160 Military Hospital.

The DG is the competent authority

to order appointment.

10. Pendency in

other Courts : The applicant further declares

that the matter which the applicant

agitates is not pen-

ding in any Court of Law or

any other authority or any other

Bench of the Tribunal.

11. Particulars of

Bank Draft's Postal

Order in respect of

application fee : No. of I.P.O.

7G265403

by
Janki Baruah
of
Hukum Thakur
27-06-03
18

- 14 -

No. of I.P.O.

TG 565403

Name of Issuing Office : Silchar Court
Sub-Post Office

Date of Issue of IPO : 27-06-03

Name of Post Office :

Gauhati

Where payable :

12. Details of

Index : An Index in duplicate containing the details of Documents is given on the front page.

13. List of Docume-

nts : As furnished in the Index on the front page.

Verification

I, Shri Surendra Thakur son of late Raghunandra Thakur of Vill - Tikagram P.O. Arunachal Dist. Cachar, Assam

do hereby state that the particulars/statements

furnished above are based on facts & records which

I believe to be true in token whereof I sign this

verification at Silchar on 27-06-03 without

suppressing any material fact.

Surendra Thakur

(Surendra Thakur)



অসম চৰকাৰ
জন স্বাস্থ্য বিভাগ
মৃত্যুৰ প্ৰমাণ পত্ৰ

Caikari - Salch, pr.

অত্ৰিধা সপ্রমাণিত কৰা হয় যে দিনমৰ্মাখণ্ডত তথ্য আদাৰ বি.সোৱ/ফোৱাৰ
Borkhole PHC
গুৰুত্বপূৰ্ণতাৰ পৰিস্থিত হৈতে মণ্ডা হইয়াছে। দেন - Borkhole.

মার্কেম - Borkhole - - - - - পোৱসভা - - - - -

নাম - Raghu manikaran
পুৰুষ/মহিলা - Male.

Address - Borkhole 2/103
Mr. B. N. Adore

মৃত্যুৰ তাৰিখ - 15-8-94

জন্ম - Indian

মৃত্যুৰ স্থান - Arunachal.

জন্মস্থান - Vill. Jalalpuri, Lalgang
মাঝি ঠিকানা - Dr. Vaishali
(Birka)

জন্মস্থানৰ নাম - Late Jagu Thakur.

জন্মস্থানৰ নং - 176

মাঝি বাসস্থানৰ ঠিকানা - Jalalpuri

জন্মস্থানৰ তাৰিখ - 02-7-94

জন্মস্থানৰ বাস্তু -

জন্মস্থানৰ তাৰিখ -

জন্মস্থানৰ পদবী - Registered of Birth & Death
Bihar State Birth & Death Registration Centre

জন্মস্থানৰ তাৰিখ - 17/2/24

জন্মস্থানৰ তাৰিখ -

জন্মস্থানৰ ক্ষেত্ৰে পঞ্জীয়তে অস্তিত্ব কৰা মৃত্যুৰ কাৰণ যা বিবৃত কৰিবলৈ দায় কৰ হৈছে।

Caikari

অসম প্ৰক্ৰিয়াৰ ব্যৱস্থা

-16- Adalene - A

Tele: 3019281

Dte Gen of Medical Services (Army)
Adjutant General's Branch
Army Headquarters
'L' Block, New Delhi

11346/DGMS-3(B)

28 Oct 2000

✓ Sh. Surendra Thakur
S/o Late Raghunandan Thakur
V.R.L.P.O. Gorakhpur
Distt.-Varanasi (Bihar)

EMPLOYMENT ASSISTANCE ON COMPASSIONATE GROUND
TO THE DEPENDENT OF DECEASED GOVT SERVANT

1. Reference your application dated 18.8.96 for compassionate appointment.
2. This is to inform you that as per existing rules and regulations on the subject, a Selection Board was constituted at this HQ. The said Board scrutinized 292 applications including your application for preparing a merit list for appointments to be made to the 38 vacancies available for compassionate appointments. You were placed at serial 104 in the Merit List.
3. It is regretted to inform that your name does not appear within the range of candidates eligible for appointment. Your application will be considered again by a Board of Officers alongwith other applications, which is likely to be constituted by Aug/Sep 2000.

Attiba
MPSB/MSB
ADP/MSB

✓ NDS

(Deepa Saini)
SCSO
Dir M&S (Civ)
for DGMS (Army)

Copy to:-

HQ
EC (Med) : W.R.Your letter no 250801/21 M-3 (B)
Calcutta - 21. dt 27 Sep 96.

Anscome - A3

(1)

2

Tele: 301 9281

DTE GENERAL OF MED SERVICES (ARMY)
ADJUTANT GENERAL'S BRANCH
ARMY HEADQUARTERS
'L' BLOCK NEW DELHI-110001

B/72301/DGMS-3B

25 Aug 2000

✓ Sh. Sudendra Thakur
S/o Late Raghvendar Thakur
Vill & P.O. Jodhpur
Distt. Vaishali (Bihar)

EMPLOYMENT ASSISTANCE ON COMPASSIONATE GROUNDS

1. You are requested to forward the following informations at the earliest to process your case regarding employment on compassionate grounds by the constituted board which is likely to be held in Sep 2000 :-

- (a) Present details of dependent members of family and their status ie Married/ Unmarried/Minor Sons/Daughters/employed/ unemployed. The same may be verified by Civil authority ie BDO or Tehsildar of concerned area.
- (b) Revised Family pension and Terminal benefits if not forwarded by you.

2. The above information may be forwarded to this HQ by 05 Sep 2000 positively otherwise your case will not be considered by the Board and you will be responsible for this delay.

*A. D.
Sudendra
Thakur
Anscome*

Mina Chadha

(Mina Chadha)
Asstt Civ Staff Officer/ACSO
for Dir Gen of Med Services (Army)

copy to:-

160 MA

9/9/2000

Annexure A4

160 Military Hospital
C/o 99 APO

803/Civ/RN

05 Nov 2002

Dte Gen of Medical Services/Army (DGMS-3B)
Adjutant General's Branch
Army Headquarters, New Delhi - 110 011

APPLICATION FOR APPOINTMENT ON COMPASSIONATE GROUNDS

1. Please refer to your HQ letter No B/72301/DGMS-3(B) dated 25 Aug 2000, addressed to Shri Surinder Thakur and copy endorsed to this hospital.
2. Necessary details in original as per your HQ letter under reference, had already been forwarded by the individual himself. However, CTC/xerox copy of the same is forwarded herewith for your ready reference please.
3. Please intimate present position of the case.

Surinder Thakur

05/11/02

Archita Roy

Major
Coy Officer
for Offg Commanding Officer

Encls :- 01 (One)

for info and necessary action
wrt above please.

Shri Surinder Thakur
Tikergram, Arunachal
Pradesh (Assam).

for info

Alexander
W.R. Bector
Admiral

-19-

Ansue - A5

22

160 Military Hospital
C/o 99 ATO

13 Mar 2003

803/Civ/RH

Brig Gen of Medical Services / Army (DGMS-3B)
Adjutant General's Branch
Army Headquarters,
'L' Block, New Delhi - 110 001

APPLICATION FOR APPOINTMENT ON COMPASSIONATE GROUND

1. Please refer to this hospital letter No even dated 05 Nov 2002 and 15 Jan 2003.
2. Please intimate present position of the onto.

*Pls std
W/Cdr Connally
Adj. Col*

Archita Roy
(Archita Roy)
Major
Coy Officer
for Commanding Officer

Copy to :-

HQ Engg Commd (Mod)
Fort William, Kolkata - 21

- for info and necessary action
wrt above please.

*Shri Sunder Thakur
Tikri gram, Arunachal,
Cachar (Assam)*

To

-20-

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The Director General Medical Service (Army)
Adjutant General's Branch
Army Headquarters
'L' Block, New Delhi -110001

**PRAYER FOR APPOINTMENT ON COMPASSIONATE GROUNDS
AS A BARBER IN 160 MILITARY HOSPITAL C/O 99 APO**

Sir,

References :-

- (a) My application dated Nil of Mar 99.
- (b) My application No Sur/B/2 dated 07 Jan 2000.
- (c) Your letter No 11346/DGMS-3(B) dated 28 Jul 2000.
- (d) Your letter No B/72301/DGMS-3B dated 25 Aug 2000.
- (e) My Hindi application of Sep 2000 (21-9-2000).
- (f) My Application dated 10.4.01.
- (g) My Application dated 29 Aug 2001.
- (h) My application dated 14 Sep 2001.
- (i) My application dated 21 Mar 2002.
- (j) My application dated 01 Jun 2002.

2. It is humbly prayed that I had requested again and again vide my applications mentioned above to your HQ but I have not received any suitable reply so far. It is mentioned that my father expired in 15 Aug 1994. It is nearly about 8 years has past. I have requested time to time vide references mentioned above for employment as a barber in my father place ie in 160 Military Hospital C/O 99 APO. Being a poor peniless schedule caste man requested to your kind enough sympathetic action for feeding my family members. Moreover in other hand my mother is also expired on 01 Mar 2000. The only source of feeding my family and myself also gone. Now I am bound to do day labour from early in the morning to sunset for shake of childrens and family members. Inspite of doing this hard work I am getting Rs 50/- to Rs 60/- per day.

3. I shall ever remain grateful for this act of kindness. I am awaiting eagerly for your kind/favourable reply please.

Yours faithfully,

Surinder Thakur

Arunachar

Dated : 11 Sep 2002

Copy to :-

160 Military Hospital
C/O 99 APO

(Shri SURINDER THAKUR)

Vill-Tikargram

PO-Arunachar, Dist-Cachar
(Assam)

- For information and necessary action
please.

21

BIHAR SCHOOL EXAMINATION BOARD, PATNA.
SECONDARY SCHOOL EXAMINATION



FOLLOWING ARE THE DETAILED MARKS OBTAINED BY:

ROLL CODE	ROLL NO	NAME OF THE CANDIDATE	EXAMINATION
5321	0143	SURENDRA THAKUR	ANNUAL-1987
SCHOOL NAME → 01 G A HS , LALGANJ			GRADE IN GROUP C → B

GROUP-A								PFTH SUBJECT	AGGREGATE	RESULT		
MIL				SIL								
SUBJECT	PAPER 1	PAPER 2	TOTAL 150 45	SUBJCT	PAPER 1	PAPER 1	PAPER 2	PAPER 1	PAPER 2	TOTAL 150 45		
HN	28	33	61	SNK	30	**	38	**	68	ENG	338	3RD DV

GROUP-B			ENGLISH			MATHEMATICS			SOCIAL SCIENCE			NATURAL SCIENCE			OPTIONAL		
PAPER 1	PAPER 2	TOTAL 150 45	PAPER 1	PAPER 2	TOTAL 150 45	HCV	GEO	TOTAL 150 45	PHY	CH	BIO	TOTAL 150 45	SUBJECT	PAPER 1	PAPER 2	TOTAL 150 45	
10	10	20	23	28	51	27	28	55	11	18	16	45	EC	27	31	58	

*A. K. S. S.
 Secretary
 Admissions*


 SECRETARY

P87 445295

विद्यालय परीक्षा विभाग



औपचारिक प्राप्तिपत्र

मैं प्रमाणित करता हूँ कि

SURENDRA THAKUR

जो श्री

RAGHU NANDAN THAKUR

के पुत्र/कनिष्ठ पुत्र हैं, और जिनकी जन्म-तिथि

18 JUNE, 1970

है, G A H S, LALGANJ

ई०

माध्यमिक परीक्षा में रोल कोड

03321

ऋग्मांक

0143

के अन्तर्गत

श्रेणी में उत्तीर्ण हुए/खुर्जी

THIRD

पटना, तिथि

21-07-1987

ई०

05/50583

सचिव

२६

प्रखंड विकास कायलिय, लालगंज

जाति प्रमाण-पत्र

क्रमांक - १०१५ दिनांक २६/५/२२

मुखिया/सूखिया/पंचायत्री/सेवक/जनरेक्ट के प्रतिवेदन के आधार पर प्रमाणित किया गया

है कि श्री..... श्री..... प्रामाण्य-पत्र
पिता प्रो प्रमुख विकास कायलिय, लालगंज, जिला-देवाली। विठ्ठली-जाति/हरिजन-जाति/बदुसूची-१/अनुसंधा-२
प्रखंड-लालगंज, जिला-देवाली।

समुदाय के सदस्य है।

(मुहर)

प्रखंड विकास कायलिय

प्रमाणित

प्रमाणित