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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 Kk. Thakur

Respondants:- U. O. I & Ors.

Advocate for the Applicants:- M. K. Bhattacharjee

Advocate for the Respondants:- C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
<p>this application is in form but not in time Condonation Petition is filed / for filed C. F. for Rs. 500 deposited No. 104/5/2003 Dated 2.6.2003</p> <p><i>[Signature]</i> By, Registrar.</p> <p>stapes taken along with envelop.</p> <p><i>[Signature]</i></p>	<p>11.7.2003</p>	<p>Heard Mr. M.K. Bhattacharjee, learned counsel for the applicant and also Mr. B.C. Patraak, learned Advl. C.G.S.C. for the respondents.</p> <p>The issue for adjudication pertains to compassionate appointment. The father of the applicant late Raghunandan Thakur died on 15.8.1994. 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.</p> <p>Contd/-</p>

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 D/Sec. for forwarding the same to the applicant as well as to the Addl. C.G.S.C. for the Record.

mb

Vice-Chairman

৬ষ্ঠ প্রশাসনিক সচিবালয়
Central Administrative Tribunal

10th 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 employment.
- 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

My
Mr. Bhatnagar
27-06-13

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 Raghurandan 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..p2/-

Surendra Thakur

By
M. K. Shakti

-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 APO.

(i) Ditto

(ii) Ditto

(iii) Ditto

contd...p4/-

-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 /7230 1/DGMS-
3B dt/- 25-8-2000 in response
to which necessary particulars
were furnished by the applicam
nt 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

Surendra Thakur

*By
M. K. Bhatnagar
Advocate*

8

Surendra Thakur

By
Mr. Bhattacharya
Advocate

9

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the Jurisdiction of the
Tribunal.

5. Limitation : The applicant further ~~decl~~
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 th
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 Certifi-
cate is submitted as
Annexure - A 1.

-6-

Surenbra Thakur

By
M. K. Chatterjee
H. K. Chatterjee
10

-6-

ii) That at the time of his premature 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

Surendra Thakur

By
Mr. Secretary
Dated 11

-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.

-8-

A copy of this letter No. B/7230 1/
DGMS- 3 B dated 15-8-2000 is submitt
-ed 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.

c...p9/-

Surenbra Thakur
By
Surenbra Thakur
13

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A DCopy of letter dt/- 15-1-03 is
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 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 father. But the educational Qualification of the applicant

- 10 -

is a Matriculate as per Certificate 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 is submitted as Annexure A-6.

IX) That as per his educational Qualification the applicant's appointment need not be restricted 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

Surenendra Thakur

Copy
N. K. Chakravarty
14

Annexure A-7.

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

8. Interim Order , if

any prayed for :: As per the latest letter of
of the Commanding Officer~~IA~~ in
160 Military Hospital at least
one Group 'D' Post of Barber is
still vacant. Interim order
may kindly be passed to keep

-13-

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 Commending

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

applicant agitates is not pen-

ding in an 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.

7925403

Surendra Thakur

by
M. B. Bhalerao
D. D. C. C.

-7-

- 14 -

No. of I.P.O.

Name of Issuing Office :

79565403
Silchar Court
Sub-Post Office

Date of Issue of IPO ::

27-06-03

Name of Post Office :

Where payable :

Guwahati

12. Details of

Index : An Index in duplicate containing the details of Documents in 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 - Tikargram 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)



আসাম চরকার
জন স্বাস্থ্য বিভাগ
মৃত্যুর প্রমাণ পত্র

Amrit - A1

19

এতৎস্বারা সপ্রমাণিত করা হয় যে নিম্নলিখিত তথ্য আসাম চরকার/জেলায়

Cairar Salch, pra

Book chela P.H.C.

Book chela.

Book chela

গৌরসভা

নাম - Raghunandan

Male.

পরিচয়/বংশ

Handwritten signature and date 7/6/73

মৃত্যুর তারিখ - 15-8-74

জাত - Indian

মৃত্যুর স্থান - Arunachal.

স্থায়ী ঠিকানা - Nil. Jalalpuz Po. Lalgang
St. Vaisali (Birkar)

মৃত্যু/পড়া/বাসীর নাম - Late Jagu Thakur

জন্মের নং - 176

স্থায়ী বাসস্থানের ঠিকানা - Jalalpuz

জন্মের তারিখ - 02-7-74

প্রত্যক্ষকারীর স্বাক্ষর

Handwritten signature

প্রত্যক্ষকারীর পদবী - Registrar of Births & Deaths, Health Centre

Book chela P.H.C.

প্রত্যক্ষকারীর তারিখ - 17/8/74

Handwritten signature

বিশেষ প্রতিনিধির স্বাক্ষর

টোকা - মৃত্যুর ক্ষেত্রে পঞ্জীয়নে অন্তর্ভুক্ত করা মৃত্যুর কারণ বিবরণ কোনো বিবরণ দায় করা হবেন

Tele: 3019281

-16- Aradma - 11
Dte Gen of Medical Services (Army)
Adjutant General's Branch
Army Headquarters
'L' Block, New Delhi

11346/DGMS-3(B)

28 Jul 2000

Sh. Surendra Thakur
S/o Late Raghunandan Thakur
Vill. P.O. Jalgapur
Dist. - Vaishali (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.

Attested
M. S. Bhatnagar
A. J. Nall

NS

(Deepa Saini)
SCSO
Dir MS (Civ)
for DGMS (Army)

Copy to:-

MR
EC (Med)
Calcutta - 2
W. of you letter no 250801/2/M-3(B)
dt 27 Sep 96

Tele: 301 9281

Analme - AB (15) 20
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. Surendra Thakur
S/o Late Raghuwender Thakur
Vill & P.O. Jhalpur
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.

*Asstt
Mina Chadha
A. G. Chadha*

Mina Chadha

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

copy to:-

160 MX

90 9/9 APO

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Armed 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

(Archita Roy)
Major
Coy Officer
for Offg Commanding Officer

Encls :- 01 (One)

Copy to :-

HQ Eastern Command (Hed)
Fortwilliam, Kolkata - 21.

- for info and necessary action
wrt above please.

Shri Surinder Thakur
Tikergram, Arunachal
Cachar (Assam).

- for info

*Pls refer
with
Advt*

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Arjun - A5

22

160 Military Hospital
C/O 99 ATO

13 Mar 2003

803/Civ/RN

Dte 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 case.

Arjun
Arjun
Arjun

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

Copy to :-

HQ Eastern Command (Med)
Fort William, Kolkata - 21

Shri Srinuder Thakur
Tikergan, Arunachal,
Cochin (Assam)

- for info and necessary action
wrt above please.

-20-

Arjun - AB 23

To

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.
 - (j) My application dated 21 Mar 2002.
 - (k) My application dated 01 Jun 2002.
- Surinder Thakur*
Arjun
Arjun

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 99APO

(Shri SURINDER THAKUR)
Vill-Tikargram
PO-Arunachar, Dist-Cachar
(Assam)

- For information and necessary action
please.

-21-

87 332196

A7

BIHAR SCHOOL EXAMINATION BOARD, PATNA.

SECONDARY SCHOOL EXAMINATION



Answer - A7 24

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												FIFTH SUBJECT	AGGREGATE	RESULT		
MIL				SIL												
SUBJECT	PAPER 1	PAPER 2	TOTAL 150 45	SUBJECT	PAPER 1 PART 1	PAPER 1 PART 2	PAPER 2 PART 1	PAPER 2 PART 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

*Attested
W. K. Bhatia
A. D. O. Patna*

SECRETARY

बिहार विद्यालय परीक्षा समिति

P87 445295



औपबन्धिक प्रमाणपत्र

Handwritten signature and text:
Attested
M. K. B. S. S.
A. Z. K.

मैं प्रमाणित करता हूँ कि

SURENDRA THAKUR

जो श्री

RAGHU NANDAN THAKUR

के पुत्र/की पुत्री है, और जिनकी जन्म-तिथि

18 JUNE, 1970

है, G A HS, LALGANJ

से वार्षिक/खूख 1987

माध्यमिक परीक्षा में रोल कोड

05321

क्रमांक

0143

के अन्तर्गत

THIRD

श्रेणी में उत्तीर्ण हुए/हुई।

पटना, तिथि

21-07-1987

ई०,

05/50583

सचिव

प्रखंड विकास कार्यालय, लालगंज

जाति प्रमाण-पत्र

Handwritten signature and date: 27/6/23

क्रमांक - १०१५ दिनांक २६/५/२२

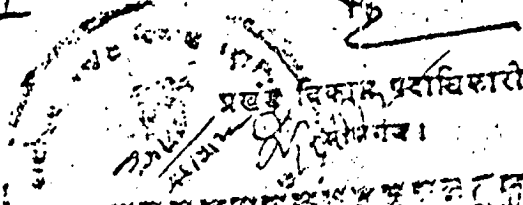
मुखिया/समूहपंच/पंचायत-सेवक/जनसेवक के प्रतिवेदन के आधार पर प्रमाणित किया जाता है कि श्री.....

पिता श्री.....

प्रखंड-सासगंज, जिन्ना-बंशाली । पिछड़ी-जाति/हरिजन-जाति/अनुसूची-१/अनुसूची-२

.....समुदाय के सदस्य है।

Handwritten signature: P. J. Singh



(मुहर)