

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,

CIRCUIT COURT SITTING AT GWALIOR

Original Application No. 568 of 2005

Gwalior, this the 19th day of May, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman

Surendra Singh Yadav,
S/o. Late Shri Jagmohan Singh
Yadav, aged 24 years, Unemployed,
R/o. Vill. Maharajpur,
Post : Bandhali, Morar,
Gwalior.

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Applicant

(By Advocate – Shri D.P. Singh)

V e r s u s

1. The Accountant General of
Madhya Pradesh, Through
its Accountant General,
Govt. of M.P., Jhansi Road,
Gwalior.

2. The Accounts Officer
(Audit), Administration-12,
Jhansi Road, Gwalior.

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Respondents

(By Advocate – Shri M. Rao)

O R D E R

This application has been filed against an order dated 11-01-2005 (annexure A/1) whereby the request of the applicant for appointment on compassionate ground was rejected. The applicant has prayed for quashing of this order and issue of directions to the respondents to reconsider the case of the applicant and grant him compassionate appointment on account of the death of his father.

2. The case of the applicant is that his father died in a road accident on 15-04-2002 leaving behind his widow and six children. None of whom has any income except for the family pension.

[Signature]

3. The respondents have taken a preliminary objection that this OA suffers from the vice of non-joinder of necessary parties and as such deserves to be dismissed on this count alone.

4. It is seen that the applicant has arrayed the following as the respondents:

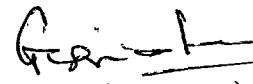
- “1. The Accountant General of Madhya Pradesh, Through its Accountant General, Govt. of M.P., Jhansi Road, Gwalior.
2. The Accounts Officer (Audit), Administration-12, Jhansi Road, Gwalior”.

The impugned order has been issued by the office of the Principal Accountant General (Civil & Commercial Audit), Madhya Pradesh, Gwalior. The impugned letter is signed by the Senior Audit Officer on the authority of the Principal Accountant General (Civil & Commercial Audit) Madhya Pradesh vide his order dated 05-01-2005. This officer has not been arrayed as one of the respondents. Since he is the authority which has rejected the claim of the applicant, he is a necessary party for this application. Even the Union of India/Comptroller & Auditor General of India has not been arrayed as one of the respondents. In view of this, I accept the preliminary objection of the respondents that this OA suffers from non-joinder of necessary parties. I have, therefore, no option but to reject this OA on this ground. However, since the applicant's case is of appointment on compassionate grounds and it appears to be a hard case of an employee dying in accident leaving behind a large family, in the interest of justice the applicant is to be given a liberty to file a fresh OA joining all the necessary parties as respondents.

5. Accordingly, the OA is dismissed for non-joinder of necessary parties with a liberty to the applicant to file a fresh OA

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within a period of two months from the date of communication of this order. No costs.


 (Dr. G.C. Srivastava)
 Vice Chairman

rkv.

पृष्ठांकन सं ओ/व्या.....जबलपुर, दि.....
 पतिलिपि अब्दो डिल:

- (1) सचिव, उच्च न्यायालय दरार प्रोमोशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/स्त्री.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/स्त्री.....के काउंसल
- (4) विधायक, दोप्राता, जबलपुर न्यायालय

सूचना एवं आवश्यक सार्वत्री है तु

उप रजिस्ट्रर


 Dr. P. Singh Dhruwal
 M. R. O. D. J. B. L.


 Dr. P. Singh Dhruwal
 22-5-06