

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No. 868 of 2004

Jabalpur, this the 22nd day of December, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

1. Smt Kamala Bai, Aged 54 years,
W/o Late Shri Roop Singh Rajput.
2. Raj Bahadur Singh Rajput,
S/o. late Roop Singh Rajpur, aged 21 years,

Both residents of Village sihora, Tehsil
And District Sagar (MP), at present residing
At Gram Karopur, Tehsil and District Sagar
(MP)

Applicants.

(By Advocate – Shri M.P. Singh on behalf of Shri R.B. Yadav)

Versus

1. Union of India, through
Home Secretary, Ministry of Home
Affairs, New Delhi 110001.
2. Director General of Intelligence Bureau,
Ministry of Home Affairs, Government of India
New Delhi.
3. Assistant Director,(G)
Intelligence Bureau, Ministry of Home
Affairs New Delhi.

(By Advocate – Shri A.P.Khare)

ORDER (Oral)

By filing this OA, the applicants have sought the following
main relief :-

“(ii) to quash the impugned order regarding this matter and
also be directed to respondents to appoint the applicant no.2 on
compassionate grounds.”



2. The brief facts of the case are that the husband of the applicant No. 1 and father of the applicant No. 2 late Roop Singh Rajput was working under the respondents department and died on 26.1.1997. He left behind him his widow, two sons and one daughter. The applicant No. 2 submitted his application to the respondents dated 24.2.1997 for compassionate appointment. He again submitted his application for appointment on compassionate ground dated 12.5.1997. The applicant No. 2 passed higher secondary school examination in the year 1993. He is entitled for appointment on compassionate ground but the application of the applicant no. 2 was not considered by the respondents. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties.

4. It is argued on behalf of the applicants that the applicant no. 2 is duly qualified and attained the age of majority and he has submitted his applications for appointment on compassionate ground. But the respondents did not consider his case. He further argued that as the deceased Government servant died on 26.1.1997 the case of the applicant No. 2 should have been considered according to the old policy dated 30th June, 1987, by the respondents. The impugned order has been passed without considering the case of the applicant no. 2 under the aforementioned policy and is a non-speaking order having no ground at all.

5. In reply the learned counsel for the respondents argued that after the death of the Government servant, the applicant no.2 applied for appointment in Intelligence Bureau on compassionate ground, which was considered. However, during the course of his character & antecedent verification, it was revealed that applicant No.2 and his father were the Prime accused in the murder case of one Shri Bakhat Singh (elder brother of deceased Govt. Servant) and they were arrested in that connection in July 1989. A police case was registered against them u/s 307, 302 & 34 of IPC and 25 & 27 of the Arms Act



at Police Station Naryawat, Distt. Sagar. However, both of them were subsequently acquitted by the court. The learned counsel for the respondents further argued that in another incident, one more police case u/s 324, 323, 294, 325, 506(B) & 34 IPC was also registered against the applicant no.2, his father and his mother. Taking into account all these acts of criminal antecedents of the applicant No.2 and his family, the applicant no.2 was not found suitable for appointment in a Sensitive Security Organization like Intelligence Bureau and therefore, his case was rejected vide order dated 17.12.1997. The learned counsel for the respondents further argued that the applicant has filed this OA after elapsing 7 years, hence, the OA is time barred and should be dismissed only on the ground of delay and laches.

6. After hearing the learned counsel for the parties and on careful perusal of the records, I find that the deceased Government servant Shri Roop Singh Rajput died on 26.1.1997 i.e. before coming of the new policy. Hence, the old policy dated 30.6.1987 is applicable in this case because the application for compassionate appointment was moved just after 4 months of the death of the Government servant i.e. on 12.5.97 by the applicant no.2. So far as the criminal case of murder is concerned against the applicant no.2 and deceased Government servant, it is not decided against them, mere proceedings of criminal trial is not sufficient ground to debar the person from his claim. I have perused the order dated 17.12.97 which is not a speaking and detailed order and is liable to be quashed and set aside. Accordingly the impugned order dated 17.12.97 is quashed and set aside and the respondents are directed to consider the case of the applicant no.2 according to the old policy of 30th June, 1987 within a period of three months from the date of receipt of a copy of this order.


(Madan Mohan)
Judicial Member