

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Orders reserved on : 19.01.2018

Orders pronounced on : 24.01.2018

Hon'ble Mr. Justice Dinesh Gupta, Member (J)

MA No.330/02252/2017

in

O. A. No.330/01344/2017

*Rohit Kumar Verma
S/o Late Binda Prasad, aged about 23 years,
R/o Village - Karuiaha Purawa, Post - Baberu, District -
Banda.*

..... *Applicant*

(By Advocate : Shri O.P. Gupta)

Versus

Union of India and others *Respondents*

(By Advocate : Shri L.P. Tiwari)

OR D E R

The Applicant has filed the OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- "[i] to quash rejection orders dated 12-2-2016 [Ann No-A-3] and order dated 17-6-2014/23-6-2014 [A-2] passed by the respondents and further –
- [ii] to direct the respondents to re-consider the applicant for compassionate appointment in accordance with the existing rules and procedure as early as possible and if he is found suitable, he

may be offered appointment on compassionate grounds."

2. Later on, the applicant has also moved Misc. Application (MA 2252/2017) for seeking condonation of delay in filing the OA. The respondents were asked to file their objection on the said Delay Condonation Application. However, they failed to file the same and the said Delay Condonation Application was heard on merits.

3. The applicant has preferred the instant MA stating therein that father of the applicant, who was working as Postal Assistant at Baberu, expired on 27.8.2011 after a long treatment leaving behind a large family of six members consisting of widow Smt. Tulsa Devi, three sons and two unmarried daughters. The entire family was fully dependent on the salary of deceased father for its livelihood. Unfortunately, the deceased father did not leave any other source of income for the livelihood of the family except little part of agriculture land under joint family. After the death of father, entire family fallen in penury and is still suffering from economic distress.

3.1 The widow of deceased Govt. employee, namely, Smt. Tulsi Devi moved an application for the appointment of her son, namely, Rohit Kumar (applicant in the instant OA) on compassionate grounds on 22.5.2012 along with all necessary documents. However, the claim of appointment of

the applicant was considered on 17.6.2014 but was rejected and the information regarding rejection was given to the applicant vide order dated 23.6.2014. The applicant submitted representations against the said decision of CRC to the CPMG, UP Circle Lucknow, who informed vide letter dated 12.2.2016 that his claim has already been considered by the CRC on 17.6.2014 on the basis of comparative merit points and since applicant obtained only 48 points and last selected candidate obtained 66 points, as such he could not be selected for compassionate appointment. On being aggrieved by the aforesaid order dated 12.2.2016, the applicant again submitted his representation to the DG, New Delhi on 15.4.2016 but he did not receive any reply from the office of D.G., New Delhi. Thereafter the applicant demanded certain information under the RTI Act and when the same was not given to him, the applicant also filed an appeal and finally the applicant was advised to file the OA along with the Delay condonation application.

4. Counsel for the applicant reiterated the facts as stated by him in his application.

5. From the instant application, it is borne out that the applicant applied for compassionate appointment by submitting his application in a prescribed format. However, his case was rejected on the basis of merit points. The applicant moved a representation to the higher authorities,

i.e., CPMG, U.P. Circle, Lucknow, who in turn replied only after a lapse of two years, i.e., on 12.2.2016 that his case has already been considered and rejected by the CRC on 17.6.2014. Thereafter the applicant again moved a representation in the form of an appeal to the D.G., New Delhi. However, D.G., New Delhi, has not taken any decision on his representation. However, the applicant has filed the OA in 2017. The applicant has also filed his affidavits in support of his contentions raised in the OA as well as in Delay Condonation Application and the respondents have not filed any objection to rebut the same and the contentions raised in the OA as well as delay condonation applications are unrebutted.

6. Considering the grounds taken by the applicant for seeking condonation of delay in filing the OA, it is clear that applicant is bona fide pursuing his case as respondents, i.e., D.G., New Delhi failed to give any reply to his representation and thus the applicant has filed the OA for redressal of his grievances. As such the applicant has made out a bona fide case for condoning the delay and the grounds taken by the applicant in his Misc. Application are sufficient. Hence, the delay condonation application is allowed.

7. Admit.

8. Issue notice to the respondents to file their counter reply within four weeks. Rejoinder, if any, may be filed within two weeks thereafter.

9. List the OA for further consideration on 8.3.2018.

**(Justice Dinesh Gupta)
Member (J)**

/ravi/