

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.145/2017 with MA No. 178/2017

This the 01st day of August, 2019

Shri Lalit,
Son of Late Mansinghbhai May
Age : 38 years,
Yet to be appointed in the Office of the respondents.
Residing at : 06, Bhivas
Nr. Jansatta Press, Opp. Bharat Bakery,
Sadar Bazar, Rajkot 360 001. **Applicant**

(By Advocate : Shri M.S.Trivedi)

VERSUS

1. The Principal Chief Commissioner of Income Tax
O/o. Pr. CCIT, Ayyakar Bhavan
Nr. Income Tax Circle,
Ahmedabad 380 009.
2. The Commissioner of Income Tax
O/o. CIT, Ayyakar Bhavan
Rajkot 360 001. **Respondents**

(By Advocate : Ms. M.M.Bhatt)

ORDER (ORAL)

Alleging inaction on the part of the respondents for non taking
of decision on applicant's request for his appointment on

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compassionate ground, instant OA has been preferred by the applicant. It has been pleaded by the applicant in his OA that his father while was in service of Respondent Department, died on 16.11.2002, that on 02.1.2003 he made request to the respondents for his appointment on compassionate ground, that said request for necessary action was sent by respondent No.2, to respondent No.1. That it is only on 23.02.2015, the respondents through communication, copy at Annexure A-3, directed the applicant to fill up application in prescribed proforma and to ensure that said application in prescribed proforma be sent through CCIT, Rajkot. That applicant filled up application in prescribed proforma (copy of which is annexed as Annexure A-4) and vide his letter dated 03.03.2015 sent the same to the respondents. That nothing has been heard thereafter and hence, is this OA with application for condonation of delay.

2. Respondents did file their reply. They submitted that applicant did file application for appointment on compassionate ground and that in the meeting held on 18.2.2013, his prayer was duly considered by

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the committee and vide letter dated 13.8.2013 (Annexure R-2), the Committee explaining the parameter for rejection of the appointment on compassionate ground recommended to close his case. It has also been pleaded that deceased employee had assets worth Rs.2,66,605/- with NIL liabilities and that the applicant did file an Affidavit on 09.08.2016 wherein it was stated by him that none of his family member, including himself is employment of any Government/ Semi Government / private service or Business whereas the same Affidavit also reflected that her mother was in employment of Central Government and has retired in the year 2014.

Reply of respondents is absolutely silent whether after calling of the respondents, vide communication Annexure R-3 of the reply to apply in prescribed proforma and after submitting of the application by the applicant in prescribed proforma, through Annexure R-4, any order was passed by the respondents.

3. Matter is at the stage of final hearing. Counsel for the applicant has not appeared nor there is any information as to why the applicant or his counsel has not appeared today. So I remain deprived to hear

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the counsel for the applicant. Any how, after having gone through the pleadings viz. the OA, annexes documents of the OA and Annexures of the reply, it reveals that only grievance that centered around in the OA is that his application was not considered by the respondents. Though in reply respondents has clarified that case was considered in the year 2013 and it was closed of but it specified no reason. It reflects that the case of the 27 persons were recommended for appointment on compassionate ground and the case of 05 person, including that of the applicant were closed. No reason whatsoever is there in said Annexure as to why cases of these 05 persons were closed. A query was put to learned counsel for respondents as to what was reason to close the case of the applicant and other four persons in the year 2013 and if case has been closed why thereafter, through Annexure A-3, the applicant was directed to furnish application in prescribed proforma and when applicant, in compliance of the said order, has supplied requisite application in prescribed proforma along with documents, why no order was passed thereon and learned counsel request to pass appropriate order.

4. In view of the pleadings and submissions made, the OA is disposed of with direction to the respondents to consider the application furnished by the applicant in prescribed proforma, vide Annexure A-4 and to pass detailed and reasoned speaking order thereon within two months from the date of receipt of copy of this order.

5. OA stands disposed as above. MA No.178/2017, for condonation of delay accordingly stands disposed of.

(M.C.Verma)
Member (J)

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