

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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No. O.A. 942 of 2018

Date of order: 20.11.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Kartic Ghosh,
Son of Late Robi Kumar Ghosh,
Village - Sukanta Nagar,
Post Office - Bud Bud,
District - Purba Burdwan,
West Bengal, Pin - 713 403.

..... Applicant.

Versus

- 1) Union of India,
Service through the Secretary,
Department of Defence,
Government of India,
Ministry of Defence (Civilian),
New Delhi - 110 011.
- 2) The Commandant,
Ammunition Depot,
P.O. - Panagarh,
Dist - Purba Burdwan,
West Bengal, Pin - 713 419.
- 3) The Commanding Officer,
31 Fd Amn Depot,
Pin - 901320, C/O. 99 API

..... Respondents.

For the Applicant : Mr. S.C. Hazra, Counsel

For the Respondents : Mr. R. Haldar, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "a) Directing the respondents to give an appointment in favour of applicant according his qualification as Postman or any suitable job on compassionate ground whose deceased father died on 17.4.2009 during his service and

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employment shall be permitted immediately and starving with poverty due to bread earner in the family.

b) Directing the respondents to consider the representation dt. 05.7.17 submitted by the applicant for necessary action to appoint the applicant in any post.

c) To pass any order/orders and direction/directions may deem fit and proper."

2. The submissions of the applicant, as made through his Ld. Counsel, is that the applicant's father died in harness on 8.4.2009, and, on 8.8.2009, the applicant's mother submitted an application for his job on compassionate ground. Thereafter the office of the Commandant, Ammunition Department, Panagarh, West Bengal informed him on June, 2017 (Annexure A-5 to the O.A.), as follows:-

"Telephone : Panagarh 3774

BY HAND
31 Fd Amn Depot
Pin : 901320
C/O-99 APO

001401/Relax/MKR/WEST (NI)

24 Jun 2017

Smt. Aroti Ghosh,
W/o. Late Robi Ghosh,
Vill. - Sukantanagar,
P.O. : Bud Bud,
Dist. : Burdwan (WB),
Pin - 713403

EMPLOYMENT IN RELAXATION NORMAL RULES : CIVs

1. It is intimated that your application for compassionate appointment has already been considered thrice and rejected. However, Govt. of India, Min. of Def. vide letter MoD I.D. No. 19(1)/2016-D(LAB)(P)(II) dated 3/01/2017. Asked for past cases for consideration the same at their level.
2. You are therefore advised to submit the requisite papers as fwd to you duly completed and duly mentioning latest position of all informations and submit the same by 28 Jun 2017 positively failing which your case cannot be submitted to higher authority for consideration.

Encls.: As above.

(Sunil Sharma)
Capt
Personnel Officer (Civ)
For Commandant"

According to the applicant, he had thereafter submitted all the requisite documents as called for (Annexure A-6 to the O.A.). Despite furnishing the comprehensive set of documents, however, the respondent authorities have failed to appoint the applicant, and, hence, Ld. Counsel for the applicant would urge that the concerned respondent authority be

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directed to decide on the applicant's prayer for compassionate appointment in a time bound manner.

3. Ld. Counsel for the respondents does not object to issue of such directions on the respondent authority to decide in accordance with law.

4. Accordingly, with the consent of the parties, and, without entering into the merits of the matter, we direct the respondent No. 2, i.e. the Commandant, Ammunition Depot., Panagarh, Purba Burdwan, West Bengal, to take steps to process the application and requisite documents as furnished by the applicant, examine his claim in accordance with law, and, to thereafter decide on the applicant's claim within a period of 8 weeks from the date of receipt of a copy of this order.

The concerned respondent authority, shall, thereafter, convey his decision forthwith to the applicant in the form of a reasoned and speaking order.

5. With these directions, the O.A. is disposed of. There will be no orders on costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

