

(2021) 03 CAT CK 0142

In the Central Administrative Tribunal

Case No : Original Application No. 2295 Of 2018

Raj Kumar Meena

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 25-03-2021

Acts Referred:

Citation : (2021) 03 CAT CK 0142

Hon'ble Judges : Pradeep Kumar, Member (A)

Bench : Single Bench

Advocate : U Srivastava, Dr. Ch. Shamsuddin Khan

Final Decision : Disposed Of

Judgement

Pradeep Kumar, Member(A)

1. The applicant's father was serving as Group 'D' employee. He had unfortunately died on 05.02.2012, leaving behind his widow, son (instant applicant) and a married daughter. The applicant submitted his application on 15.09.2012 for compassionate ground appointment. This was since considered thrice in the year 2012-2013, in the year 2013-2014 and again for 2014-2015. However, all three times, this request was rejected being low in merit.

2. The applicant has preferred the instant OA praying for re-consideration of his request.

3. Reply has since been filed on 09.04.2019. The respondents have enclosed a copy of their letter dated 05.09.2018 wherein they have submitted as under :--

"2. (C) In accordance with the existing provision, the case for compassionate grounds of the applicant is still under consideration for compassionate appointment by Board of officer. Reason for filing the OA in CAT is not understood."

The same is indicated in the counter reply also.

4. The learned counsel for the applicant pleaded that the present OA can be disposed off with a direction to the respondent to consider the case of the applicant, as is already indicated by them in their letter dated 05.09.2018, which is also reflected in their counter reply submitted by the respondents.

5. Learned counsel for the respondents vehemently opposed this request and pleaded that since the case for compassionate ground appointment is already under consideration of the respondents, the departmental remedy has not been exhausted as yet and the applicant approached the Tribunal prematurely, which is not permissible.

6. The respondents also pleaded that the applicant is a resident of Rajasthan and, therefore, this Tribunal has no jurisdiction to entertain the instant OA, which is required to be placed before Jodhpur/Jaipur bench. As such, the OA is required to be dismissed on the ground of jurisdiction not being available with Principal bench.

7. Learned counsel for the applicant submitted that the rejection letters for his request were issued by Office located in Delhi, and accordingly OA was filed at the Principal Bench and as such the Principal Bench has jurisdiction.

8. Matter has been heard. Shri U. Srivastava, learned counsel represented the applicant and Dr. Ch. Shamsuddin Khan, learned counsel represented the respondents.

9. It is the admitted case of the respondents that the case of compassionate ground appointment, for applicant is under consideration, as is evident from their letter dated 05.09.2018. Sufficient time has already elapsed and case needs to be decided urgently.

10. Since the matter has already been raised before this Bench, no useful purpose is going to be served and in the facts and circumstances of the case when it is already under consideration of respondents, to now refer the case to Jodhpur/Jaipur Bench.

11. In view of the foregoing, the instant OA is disposed off at this stage, with a direction to the respondents to take a decision, in regard to the compassionate ground appointment of the applicant, keeping in view the extant rules and regulations on the subject, as is already indicated in their letter dated 5.9.2018, within a time period of 12 weeks under advice to the applicant. No costs.

Pending MA also stands disposed off accordingly.