
(2022) 07 CAT CK 0017

In the Central Administrative Tribunal

Case No : Original Application No. 330, 01167 Of 2016

Surjeet Kumar, S/o Late Mata Prasad

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 15-07-2022

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2022) 07 CAT CK 0017

Hon'ble Judges : Pratima K Gupta, Member (J)

Bench : Single Bench

Advocate : Shiv Mangal, M.K. Sharma

Final Decision : Disposed Of

Judgement

Pratima K Gupta, Member (J)

1. Shri Shiv Mangal, learned counsel for the applicant and Shri M.K. Sharma, holding brief of Shri Binod Kumar Rai, learned counsel for the respondents are present.

2. By way of the present original application filed under section 19 of Administrative Tribunal Act 1985, the applicant has sought the following reliefs:-

“(a) Issue a direction to the respondents for appointing the petitioner on compassionate ground on appropriate post (Khalasi) within specified period and pay salary accordingly.

(b) Any other relief as this Tribunal may deem fit in facts and circumstances of the case.”

3. The brief facts leading to the original application are that the father of the applicant died in harness on 24.01.1996. The case of the applicant was duly considered for compassionate appointment and rejected vide order dated 18.08.2010 for the reason that the case was hopelessly time barred and the same could not be considered under 5% quota. Accordingly, the applicant

approached the Hon'ble High Court of Allahabad whereby the said order was set aside and the Hon'ble High Court has passed the order dated 07.04.2015. Relevant portion of the order reads as under:-

"All the pending cases are to be considered without any time limit. The office of the Executive Engineer(E)CPWD Allahabad consequently has forwarded the revised application of the petitioner. Surjeet Singh Son of Late Sri Mata Prasad, on 20.09.2013 to the office of Superintending Engineer (E) Lucknow Central Electrical Circle, Lucknow for compassionate appointment. The Superintending Engineer (E) LCEC, Lucknow has forwarded the same to the office of Chief Engineer (NZ-II) CPWD, Lucknow and thereafter it was further forwarded on 23.9.2014 by the Chief Engineer (NZ-II) to Effective Engineer (Co-ord) (E) CPWD, New Delhi for consideration. It is averred that the case of the petitioner shall be considered in accordance with law as and when vacancy arises irrespective of the delay.

In view of the categorically averment made in the counter affidavit that the petitioner's case shall be considered under the Rules, the cause no longer survives, the petition has been rendered infructuous.

Writ petition is dismissed at this stage.

No order as to costs."

Accordingly, the case of the applicant was duly re-considered and an order dated 10.06.2016 has been passed by respondents. The operative portion of the said order makes it clear that the case of the applicant is pending consideration before the respondents and the outcome of the same shall be intimated to him in due course.

4. Today when the matter was taken up for hearing the learned counsel for the applicant states at the outset that the outcome of the said letter dated 10.06.2016 had not been intimated to him so far. The counter reply is also silent to the said fact. Accordingly, it is clear that either the case of the applicant has not been finalised so far or in case it has been finalised, he has not been intimated the outcome of the consideration if done by the respondents so far.

5. The learned counsel for the respondents relies upon para 23 of the counter affidavit which makes it clear that the case of the applicant is pending consideration before the respondents.

6. At this stage the learned counsel for the applicant submits that he would be satisfied if the case of the applicant be considered by the respondents for compassionate appointment once again irrespective of the order dated 10.06.2016.

7. Heard learned counsel for the parties and perused the documents on record.

8. In view of the limited prayer made by the applicant's counsel this I am of the considered opinion that the original application can be disposed of with the

direction that the case of the applicant be considered by the respondents for compassionate appointment by the committee considering the cases of compassionate appointment as and when it meets in future. The outcome of the same shall be intimated to the applicant after four weeks thereafter.

9. With the above observations, the original application is disposed of.

10. There shall be no order as to costs.