

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5300 of 2016 (O&M)

Date of Decision: 21.03.2016

Arun Bansal & Anr.

... Petitioners

VS.

UOI & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Petitioner No.1 in person

SURYA KANT, J. (Oral)

(1) This writ petition assails the order dated 14.08.2015 passed by the Central Administrative Tribunal, Chandigarh Bench (in short, 'the Tribunal') as well as the consequential rejection order said to have been passed by the authorities on 20.01.2016 (P2).

(2) The controversy pertains to the appointment of petitioner No.2 (Varun Bansal) on compassionate grounds under the *ex gratia* policy. The first petitioner is the elder brother of petitioner No.2. Their mother late Smt. Kamlesh Bansal was working in Kendriya Vidyalaya No.1, Bathinda Cantt. w.e.f. 21.08.1993 but unfortunately she passed away on 07.09.2004. She served KVS for 11 years. It appears that earlier petitioner No.1 had applied for compassionate appointment but his claim was not considered on merits and was turned down on the plea that he had applied after three years' time-limit. Petitioner No.2 was a minor and as soon as he attained majority, he appears to have applied

for compassionate appointment. Since his claim was not considered, the Tribunal vide order dated 14.08.2015 (P1) directed the respondent-authorities to consider the claim of one of the petitioners for appointment on compassionate grounds subject to the consent which one of the brother may give in favour of the other.

(3) In purported compliance of the above-stated direction issued by the Tribunal, the authorities are said to have rejected the claim of petitioner No.2 on 20.01.2016 (P2).

(4) In our considered view, the rejection order will have to be challenged by the petitioners before the Tribunal. It is, however, clarified that petitioner No.1 has given consent for appointment of his younger brother i.e. petitioner No.2. Their appears to be thus no legal impediment against issuing time bound directions for consideration of the claim of petitioner No.2 on merits for such appointment especially keeping in view the observations already made by the Tribunal in para-6 of its order dated 14.08.2015.

(5) The instant writ petition is thus disposed of with liberty to petitioner No.2 to file a fresh Original Application before the Tribunal along with consent affidavit of petitioner No.1. Keeping in view the peculiar facts and circumstances of this case, we request the Tribunal to issue short notice to the respondents and as soon as the service is complete, to decide the case on merit

after summoning the original records and giving only one opportunity to the respondent-authorities to file their written statement, preferably within *four months*.

(6) With these observations and direction, the writ petition stands disposed of.

(7) **Dasti.**

(Surya Kant)
Judge

21.03.2016
vishal shonkar

(P.B. Bajanthri)
Judge