

Central Administrative Tribunal  
Principal Bench

O.A.No.1077/2002  
M.A.No.794/2002

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 26th day of February, 2003

1. Smt. Anandi Devi  
widow of late Shri Sunder Lal  
(Ex-Civilian Group 'D' employee)  
Military Hospital  
Mathura (UP)  
r/o Village: Birja Pur  
Post Office  
Aduki  
District: Mathura(UP).
  2. Shri Harjender Singh  
s/o late Shri Sunder Lal  
Village: Virja Pur  
Post Office: Aduki  
Distt. Mathura(UP).
- ... Applicants

(By Advocate: Sh. S.P.Chadha, proxy of Sh.  
D.N.Sharma)

Vs.

1. Union of India  
The Secretary to the Govt. of India  
Ministry of Defence  
South Block  
New Delhi - 110 001.
  2. The Director General of Medical Services (Army)  
(DGMS -3(B), Adjutant General's Branch  
Army Headquarters, 'L' , Block  
New Delhi - 110 001.
  3. The Major General Incharge  
Headquarters Central Command (Medical)  
Lucknow-Cantt.
  4. The Commandant  
Military Hospital  
Mathura Cantt.
- ... Respondents

(By Advocate: Sh. S.Mohd. Arif, proxy of Sh.  
D.S.Mahendru)

O R D E R(Oral)

By Shri Shanker Raju, M(J):

Heard.

2. Applicant impugns respondents' orders  
dated 23.4.2001 wherein the request for compassionate  
appointment has been turned down on the ground that

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the name of applicant did not figure within the rank of the candidates eligible for compassionate appointment.

3. It is contended that the action of respondents is dehors the instructions on compassionate appointment and his name has been cancelled from the waiting list without affording him an opportunity. It is stated that once the compassionate appointments are to be offered the same is to be done as per the seniority in the waiting list. The serial number on waiting list is also subject to upward or downward revision, based on the appointment given, is not to be countenanced. He placed reliance on a decision of this Court in Narayan Singh v. Union of India & Others (OA 1638/2000) wherein a review has been ordered for to consider the case of petitioners therein for compassionate appointment.

4. Respondents in their reply have strongly rebutted the contentions and at the outset stated that the case of applicant No.2 was placed twice by the duly constituted Board but on his comparable merit drawn, he was not appointed on compassionate grounds. However, it is stated that as the clerical error has been rectified by letter dated 23.4.2001, the case of applicant No.2 would be considered as per the rules by the Screening Committee/Board and as such the action is as per the rules on compassionate appointment.

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5. Having regard to the statement made by the respondents, OA is disposed of with direction to respondents to consider the case of applicant No.2 for compassionate appointment in accordance with the Scheme of compassionate appointment and having regard to the financial condition of the family of the deceased Govt. servant. The request shall be disposed of by a detailed and speaking order within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju  
(Shanker Raju)  
Member(J)

/rao/