

Central Administrative Tribunal  
Principal Bench

O.A. No.1789/2002

New Delhi this the 26th day of June, 2003

Hon'ble Shri V.K. Majotra, Member (A)

Shri Kapil Dev  
S/o Shri Kali Ram  
R/o C/o Shri Chandrika Prasad  
House No.571-B, Sector 46-B  
Chandigarh.

-Applicant

(None present)

Versus

1. Union of India- through  
Secretary  
Ministry of Defence  
New Delhi.
2. Director-General of Medical Services(Army)  
Army Headquarters  
Sena Bhawan  
New Delhi-110001
3. Commandant,  
Military Hospital,  
Ambala Cantt-133001

-Respondents

(By Advocate: Shri Bhaskar Bhardwaj)

ORDER (Oral)

I have proceeded to dispose of this OA in terms of Rule-15 of Central Administrative Tribunal (Procedure) Rules, 1987 after considering the respective pleadings of the parties, material on record and hearing the learned counsel of respondents.

2. Applicant's father died in harness while working as Civilian Cook with respondents on 8.1.1991. Smt. Dubli Devi widow of deceased employee requested for appointment of her son on compassionate ground in May 1991. Case for applicant's appointment could not be considered as he was then a minor. Applicant's

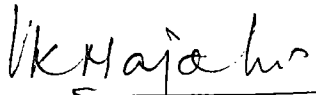
mother applied again for his appointment in 1995 on attaining of the age of majority of her son. Since the name of applicant was not recorded in the service book of the deceased Government servant, the applicant was required to submit an affidavit attested by Sub-Divisional Magistrate. Required documents were submitted by the applicant finally in 1996. Learned counsel stated, thereafter the respondents have considered the case of the applicant thrice over, i.e., in 1997, 2001 and 2002. Learned counsel stated that applicant could not be provided employment on the above three occasions because he could not be accommodated within 5% quota of direct recruitment for making appointment on compassionate basis. As per Annexure A-14 dated 8.5.2002 whereby applicant's case was considered on the last 3rd occasion and his application was rejected, respondents have stated that the Selection Board had considered 285 similarly placed applicants including the applicant in accordance with the revised consolidated instructions dated 9.10.1998. On the basis of the weightage for various attributes, applicant could be placed at Serial No.59 in the merit list having obtained 62 points only. Persons upto Serial No.10 could be provided compassionate appointment on the basis of 5% quota reserved for appointment on compassionate basis. As such, applicant's case could not be approved for appointment despite respondents' consideration of his claim thrice over.

3. Having gone through the various documents

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present on record as also Annexure A-14. I find that respondents have done their best to consider applicant's case thrice over but they have not been able to ~~make~~ <sup>provide</sup> employment <sup>to the applicant</sup> on compassionate ground in terms of relevant instructions on the subject.

4. Finding no infirmity in the action of the respondents, rejecting applicant's claims for appointment on compassionate ground, this OA is dismissed.

  
(V.K. Majotra)  
Member (A)

cc.