

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.3303/2002

New Delhi, this the 6th day of November, 2003

Hon'ble Shri Shanker Raju, Member (J)

1. Smt. Soran Devi,
wd/o late Shri Khem Chand,
Ex-Civilian Group 'D' Employee (Barber)
Military Hospital, Agra Cantt.

Residential address

H.No. 63-A/SJ-19,
Shatrujeet Nagar,
Defence Colony, Agra (UP).

2. Trilok Chand,
s/o late Shri Khem Chand,
Ex-Civilian Group 'D' Employee (Barber),
Military Hospital, Agra (UP).

Residential address: As that of applicant no.1
...Applicants

(By Advocate: Shri D.N.Sharma)

Versus

1. Union of India through
Secretary to the Govt. of India,
Ministry of Defence,
South Block,
New Delhi.
2. [Director General of Medical Services(Army)
(DGMS-3(B), Adjutant General's Branch)
Army Headquarters, 'L' Block,
New Delhi.
3. The Commandant,
Military Hospital,
Agra Cantt.Respondents

(By Advocate: Mrs. P.K.Mittal)

ORDER (ORAL)

Claim of the applicants is for compassionate appointment which has been considered thrice following the criteria depending upon emoluments, dependent family members and several other factors and each time, with fresh consideration, applicant had been awarded

marks as per the criteria followed but she could not make it to the number of vacancies hence the request was turned down on three different occasions.

2. Learned counsel for the applicant states that the case of the applicant being deserving would be considered for compassionate appointment in order to survive the family and to tie over the financial crises. On the other hand, Mrs. P.K.Mittal, learned counsel for the respondents, contents that once the case has been found not to be most deserving and in the merit list the applicant could not make it to the available post under 5% of direct recruitment quota, the only right of the applicant is for consideration which has been meticulously complied with by the respondents in accordance with transparent formula.

3. I have carefully considered the rival contentions of the parties and perused the material on record.

4. In absence of any averment to the effect that less deserving cases where the incumbents having secured lesser marks than that of the applicant have been considered or there were available vacancy, the request of the applicant has rightly been rejected. Once the claim of the applicant has been duly considered as per formula laid down which does not suffer from any irregularities or the same has not been established, the case of the applicant being considered

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could not be materialized for appointment keeping in view the low merit. As such, the present OA has not merit and needs no interference and is accordingly dismissed.

S. Raju

(Shanker Raju)
Member (J)

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