

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

O.A. No.290/00028/2020

Jodhpur, this the 29th January, 2020

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Sobha Morya D/o Late Shri Laxmi Narayan, W/o Shri Raghuveer Morya, aged about 34 years, by caste Vargi, R/o 203 Vargi Colony, Masuriya, Jodhpur (Rajasthan).

(Applicant is LR's of Shri Laxmi Narayan, who was servicing under the respondent No.4 on the post of Black Smith).

.....Applicant

By Advocate : Mr.D.L. Birami.

Versus

- (1) Union of India through Secretary, Ministry of Defence, Raksha Bhawan, New Delhi-110011.
- (2) Director General of Ordnance Service, Army Headquarter, New Delhi-110011.
- (3) Major General Army Ordnance Corps, Sadan, Pune-411001.
- (4) Commandant, 224 Advance Base Ordnance Depot, Jodhpur-342027 (Rajasthan).

.....Respondents

ORDER (Oral)**Per Hon'ble Smt. Hina P. Shah, Member (J)**

Heard learned counsel for the applicant.

The applicant has filed the present OA under Section 19 of the Administrative Tribunals Act, 1985 for seeking following reliefs:-

- “(i) That Annex. A/1 dated 21.06.2019 may be declared illegal by quashing the same and applicant may be appointed.
- (ii) Any other relief which this Hon'ble Tribunal deems just and proper in favour of the applicant may be passed.”

2. The short facts of the case are that the father of the applicant was working on the post of Black Smith and he expired before his superannuation on 26.01.2015. Thereafter, the son of the deceased employee has submitted his application for appointment on compassionate grounds, but during the pendency of said application, he also expired. Thereafter, the mother of the applicant vide Annexure-A/4 requested the respondent authority to consider the case of the applicant (daughter of the deceased employee) for appointment on compassionate grounds. The same was rejected by the respondents vide Annexure-A/1 order dated 21.06.2019.

3. It is the contention of the learned counsel for the applicant that the respondents have not considered the case of the applicant in all aspects as per the policy in this regard, but they have rejected the case of the applicant only on the ground that married daughter cannot be considered.

4. Considered the submission of the learned counsel for the applicant and perused the material available on record. It is noted the applicant has not filed any representation against the impugned order dated

21.06.2019 and directly approached this Tribunal by way of filing the present OA. Therefore, the OA is premature.

5. At this stage, learned counsel for the applicant submitted that the applicant would be satisfied if the applicant is permitted to file detailed representation on the fact that the married daughter is also entitled for appointment on compassionate grounds and further the respondents may be directed to decide the same in a time bound manner.

6. In view of the short prayer made by the learned counsel for the applicant, I am inclined to dispose of the present OA without going into the merit of the case. Accordingly, the applicant is directed to file a detailed representation regarding the fact that married daughter is entitled for consideration along with other factors for appointment on compassionate grounds within a period of one week from the date of receipt of a certified copy of this order. Thereafter, the respondents are directed to decide the said representation of the applicant strictly in accordance with rules by passing a reasoned and speaking order within a period of three months from the date of receipt of such representation. In case, it is established that the married daughter is entitled for appointment on compassionate grounds then the respondents are directed to consider her case on the basis of all parameters necessary for consideration of appointment on compassionate grounds.

7. In terms of above directions, OA is disposed of with no order as to costs.

[Hina P. Shah]
Judicial Member