

Central Administrative Tribunal
Principal Bench

O.A. 1703/2001

(3)

New Delhi, this the day of 13th July, 2001.

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)

Shanker Kumar, Age 24 yrs
S/o late Shri Bansi Lal
120, Diggi Mohalla,
Kaserukhera, Meerut
(By advocate: Shri N.C.Chaturvedi)

...Applicant.

Versus

1. Union of India through
The Secretary,
Northern of Defence,
New Delhi.
2. DGEME,
Army Headquarters,
New Delhi.
3. Commandant,
510 Army Base Workshop,
Meerut Cantt.Respondents

ORDER(Oral)

Shri N.C.Chaturvedi, learned counsel for the applicant heard. His main contention in this case is that the respondents have failed to follow their own instructions dated 3.1.92 (Annexure-7). In terms of paragraph 3(e) of the instructions dated 3.1.92, issued by the respondents, they have to consider the applications for compassionate appointment at least three times before the application can be rejected. He has submitted that the respondents have issued the impugned order dated 6.12.2000, without following these instructions, namely, to consider the case of the applicant for compassionate appointment at least three times.

2. In the impugned order dated 6.12.2000, the respondents have referred to the application submitted by the applicant dated 24.4.2000 for providing him compassionate appointment. There is also reference in the impugned order

that the respondents have examined the case of the applicant through the Board of Officers at Army Headquarters as per the latest instructions issued by the Government. While considering the fact that the applicant's application for compassionate appointment is dated 24.4.2000 and the impugned order of rejection has been issued by the respondents in 6.12.2000, *prima facie*, it is not possible to agree with the contention of Shri N.Chaturvedi, learned counsel, that the respondents have not considered the case of the applicant in three quarters before rejecting the same in accordance with the instructions dated 3.1.92. No other document has been placed on record by the learned counsel for the applicant to substantiate his claim, which is more in the nature of ^aguess, that the respondents have not followed their own instructions in this regard, and the same cannot, therefore, be accepted. As no *prima facie* case is made out by the applicant, on the ground urged by the learned counsel, namely, non-compliance of the Government instructions, there appears to be no merit in this application.

3. In the result, for the reason given above, OA is dismissed. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)

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