

Central Administrative Tribunal
Principal Bench

O.A. 1316/2000

New Delhi this the 19th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Shri Ajay Kumar,
S/o late Shri Rameshwar Dayal,
Armt. Mechanic (Fitter),
R/o WZ-193, Naraina Village,
New Delhi-110 028. Applicant.

(By Advocate Shri S.C. Saxena)

Versus

1. Secretary,
Ministry of Defence,
Government of India,
South Block,
New Delhi-110 011.
2. Directorate General,
EME Army HQrs 'B' Block,
C-II, Hutments, DHQ PO,
New Delhi-110 011.
3. The Commandant,
EME Records Office,
Secunderabad.
4. The Commandant,
No. 505 Army Base Workshop,
Delhi Cantt-110010. Respondents.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant has impugned the validity of the orders passed by the respondents dated 18.2.2000 informing him that his request for appointment on compassionate grounds has been rejected by a Board of Officers after due consideration of his case.

2. The applicant has submitted that his father died on 6.1.1994 while he was working with the respondents. According to the applicant, the deceased had left a large family, the details of which have been given in paragraph
- 4.3. It is also stated that the deceased had left behind a

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small ancestral house at Naraina Village, New Delhi and the brother of the applicant, who is married had deserted the family. According to him, his brother Shri Sanjay Kumar is not supporting the family financially. (3)

3. Shri S.C. Saxena, learned counsel has been heard. The learned counsel has submitted that the wife of the deceased employee had made written request for compassionate appointment, within one month of the death of her husband in 1994. He has stated that after more than six years, the respondents have stated that they are unable to offer any appointment on compassionate grounds to the applicant.

3. According to the applicant, he has made a number of representations to the respondents for employment on compassionate grounds. By the Annexure A-i letter, the respondents have stated that his case has been considered by a duly constituted Board of Officers for such appointment on the death of his father. However, they have not found any good grounds to agree to his request and they have accordingly rejected it. Having regard to the settled law on the question of compassionate appointments (See for example, **Umesh Kumar Nagpal Vs. State of Haryana & Ors.** (JT 1994(3) SC 525), I find no merit in this application. The father of the applicant had died in January, 1994 and merely because the applicant states that he has made repeated representations will not entitle him to claim appointment on compassionate grounds. In the impugned letter dated 18.2.2000, the respondents have also stated that the relevant factors have been taken into account by the Board of Officers which had been constituted for this purpose. No grounds have been indicated in the O.A. to give a further direction to the respondents to appoint the applicant on the extreme

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compassionate grounds against "an existing vacancy with
" retrospective effect, as claimed by the applicant. The O.A.
is accordingly dismissed at the admission stage itself. No
order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

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