

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A.No.2518/92

New Delhi this the 3rd Day of December, 1993.

The Hon'ble Mr.B.S. Hegde, Member(J)

Mrs. Kusam Kanwar,
Wd/o Late Sh.Surnder Singh,
48, Ranjit Road,
Near Main Post Office,
JALANDHAR CANTT (PUNJAB)

.... Applicant

(By Advocate Sh.S.S.Rana)

Versus

1. Union of India,
Through the Secretary,
Ministry of Defence,
South Block, New Delhi
2. The Engineer-in-Chief,
Army Head Quarters,
DHQ, P.O. Kashmir House,
New Delhi
3. The Chief Engineer,
Western Command,
C.S.D. Command Building,
3rd floor, Chandi Mandir Cantt.
Chandigarh(UT)
4. The Garrison Engineer(West)
M.E.S.Jalandhar Cantt.,
PUNJAB

.... Respondents

(By Advocate Sh.George Paricker
with Shri. Sh.P.P.Khurana)

ORDER

(Hon'ble Sh. B.S.Hegde, Member(Judicial))

Heard the arguments of both the counsel. On the last occasion, the respondents were directed to furnish the required information to the Court as well as to the applicant's counsel regarding the vacancy position both at

Chandigarh as well as at Delhi Zone. Accordingly, the respondents furnished the list in which the applicant's name is shown at serial No.7 at Chandigarh Zone whereas in Delhi Zone though her name was not shown in the list and accordingly to the list maintained by the Respondent. They have 8 names at present in the waiting list and I have been told that they have prepared the list according to the date they received the applications from the indigent persons, if that be the criteria the applicant's name should figure in serial no.3, because prior to her application two other applications have been received by the department from similarly situated persons. The contention of the respondent's counsel is that that it is the duty of the department to treat all the applicants equally and accordingly treat/consider their claims on the date of receipt of their application and thus as and when vacancy arises, they would be consider the respective applicants for appointment on the basis of seniority list prepared by them.

Learned counsel for the applicant, Sh. Rana submitted that applicant has been waiting for the last 3 years. At the movement she is at Jullundur and for the sake of her son's education and on his completion she would be shifting to Delhi and, therefore, if the appointment is given to her at Delhi Zone it would serve the ends of justice. In so far as the contention of the seniority list prepared by the respondents is concerned, there is no dispute.

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In the facts and circumstances of the case, considering the difficulties stated by the applicant, I hereby direct the Respondent to consider the candidature of the applicant in Delhi Zone for appointment as L.D.C. post immediately after the absorption of two earlier applicants in Delhi Zone on a priority basis, otherwise, the very purpose of compassionate appointment will be lost. The O.A. is disposed of accordingly, however, there will be no order as to costs.

(B.S. Hegde)

Member(J)

B.S. Hegde
37/12/93

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