

(b)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. No. 982/93

New Delhi this the 10th Day of February, 1997

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

Smt. Birno Devi Wd/o Late Asha Ram

2. Sh. Ganga Ram s/o Sh. Late Asha Ram

R/o Village and Post, Khorampur,
Distt. Ghaziabad(UP)

... Applicants

(By Advocate Shri Yogesh Sharma)

Vs.

1. Union of India through the Secretary
Ministry of Defence Production
Govt. of India, New Delhi.

2. The Director General
Ordnance Factory Board,
10-A Auckland Road, Calcutta.

3. The General Manager
Ordnance Factory, Murad Nagar,
Distt. Ghaziabad(UP)

(None for the respondents) ... Respondents

ORDER (ORAL)

This application has been filed by the applicants
for a direction to the respondents to appoint applicant 2, son
of applicant No.1, on compassionate grounds.

2. The brief facts of the case are that the husband of
applicant 1 who was employed with respondent 3 died in harness
on 4.7.1986. According to the applicants, he had left ^{an} ¹⁵ indigent
family and they are, therefore, entitled to have one of them
namely, applicant 2 appointed on any suitable post on compassionate
grounds. They are aggrieved by the order passed by the
respondents dated 3.6.92 by which the respondents have stated
that since he did not fulfil the ~~provided in the~~ ^{conditions} ~~provided in the~~ existing
instructions regarding compassionate appointment, they could
not accede to his request. Shri Sharma, learned counsel has
submitted that the only ground which he is pressing is that
the impugned order is not a speaking order and the respondents
may, therefore, be directed to pass a speaking order.

3. The respondents have filed their reply in which they have taken a preliminary objection of limitation. Having regard to the fact that the father of applicant 2 died on 4.7.86 and the impugned order has been passed on 3.6.92, after due consideration by the respondents regarding employment of/3rd son Shri Mohan Pal which was earlier rejected by the order dated 2.4.1988, the application is liable to be dismissed on this ground alone. Further, taking into account the facts of the case, including the fact that the applicants have failed to show on what grounds they are entitled for further consideration for appointment on compassionate grounds in accordance with the relevant Govt. instructions issued by the respondents, I find no merit also in this application. The impugned order dated 3.6.92 clearly mentions that the case of the applicant has been duly considered by the respondents for compassionate appointment in accordance with the relevant instructions on the subject but the same could not be acceded to as he did not fulfil the **necessary conditions**. It is a settled position that the appointment on compassionate grounds cannot be claimed as a matter of right.

4. For the reasons above, I find that this application being without merit is also barred by limitation. Accordingly OA is dismissed. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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