

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 1st day of November 2000.

Original Application no. 1185 of 1996.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Neeraj Rawat, S/o R.S. Rawat,
R/o House no. 208, Khari Bazar
(Lower), Ranikhet Distt. Almora.

... Applicant

C/A Shri B.D. Updhayaya

Versus

1. The Union of India, through Secretary, Ministry of Defence, New Delhi.
2. The Engineer-In-Chief, Army Head Quarter, D.H.Q, P.O. New Delhi.
3. The Chief Engineer (MES) Bareilly Zone, Sarvatra Bhawan, Station Road, Bareilly Cantt. Bareilly.
4. The Garrison Engineer (MES) Ranikhet, Distt. Almora.
5. The Commander Works Engineer (CWE), Commander Works Engineers Hills, Distt. Rithoragarh.

... Respondents

C/Rs Shri A. Sthalekar

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O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

Shri R.S. Rawat died in harness on 8.1.95 and ~~there was~~ ^{had} an application moved from the side of his widow for appointment of her son on compassionate ground, copy of which has been annexed as annexure A-1. The widow of deceased Shri Rawat again moved an application on similar ground to higher officer in the department on 28.2.95. In response to this application, the applicant was called for interview ^{in the interview} vide letter annexure A-4 and he appeared accordingly. A letter dated 11.7.96 was issued to Smt. Kamlesh Rawat, mother of the applicant to the effect that since there were huge number of surplus candidates in S.K. II category, there is no scope of occurrence of any vacancy against compassionate quota in near future and he was advised that in case her son desires for appointment on compassionate ground for the post of Group 'D' i.e. Mazdoor or Chaukidar in the department his willingness may be submitted. But this advise did not suit to the applicant, hence no action taken. The applicant kept waiting his turn and when got impatient, he filed this OA for direction to the respondents to provide him appointment in accordance with ~~diyng~~ in harness rules.

2. The respondents have contested the case and filed CA.

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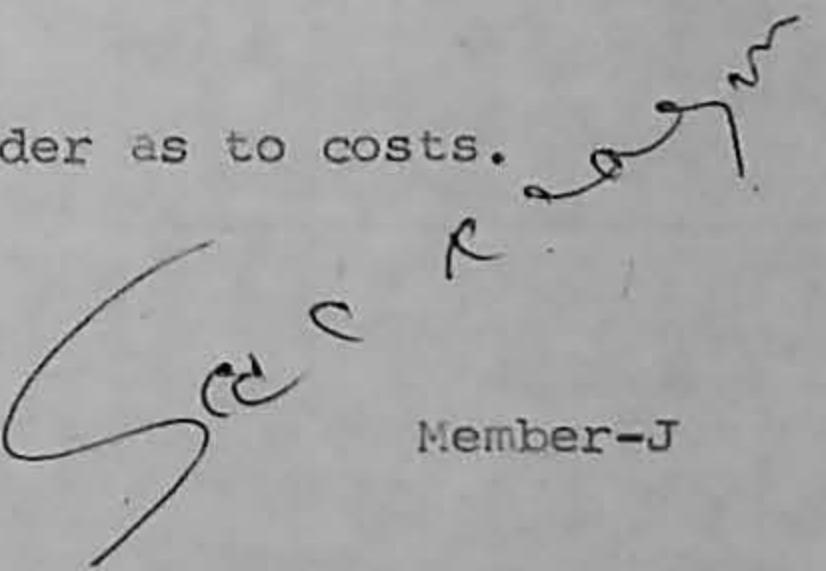
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3. Heard learned counsel for the rival contesting parties and perused the records.

4. This is a matter in which there involves no controversy, the request of the applicant for appointment on compassionate ground has not been refused or turned down by the respondents, but the same ^{is} kept pending awaiting its turn. The applicant has filed this OA perhaps with the ^{expectation} ~~exception~~ that his ^{way} case be considered with priority ignoring the others who are also in the line. An order passed under the cover of justice cannot be taken as just, if it does injustice to others.

5. The OA is decided with the observation that the respondents establishment shall take care that the applicant ^{is not denied} ~~has not denied~~ his claim when his turn comes and it is advised that the matter to be reviewed on half yearly intervals. The OA is decided accordingly.

6. There shall be no order as to costs.

 Member-J

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