

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 12th day of October, 2000.

CORAM :- Hon'ble Mr. Rafiq Uddin, Member- J.

Original Application No. 1259 of 1997 .

Arvind Kumar Jaiswal, S/o Late Lakhan Lal Jaiswal
R/o House No. 52, Khuldabad Mandi, Allahabad.

..... Applicant.

Counsel for the applicant :- Sri Ranjit Sexena

V E R S U S

1. Union of India, through Ministry of Defence,
Government of India, New Delhi.
 2. Union of India, through the Commandant,
Central Ordinance Depot. (C.O.D.), Chheeki,
Naini, Allahabad.
 3. Union of India, through Director General, of
Ordinance Services, Army Head Quarter, Defence
Head Quarter, New Delhi-1100011.
 4. Union of India, through Adjutant General (A.G.),
Org-4 (CIV), Army Head Quarters, D.H.Q,
P.O. New Delhi.
 5. Col.A.K. Saha, Commandant, C.O.D, Chheiki, Allahabad.
- Respondents.
- Counsel for the respondents:- Sri S. Chaturvedi. 2

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O R D E R (oral)

(By Hon'ble Mr. Rafiq Uddin, J.M.)

By means of this O.A the applicant seeking direction to the respondents to allow the applicant to join and work as Mazdoor in pursuance of letter dt. 04.04.95 (annexure A-4 to the O.A) and also to pay the arrear of salary of the applicant from May, 1995 onwards. The applicant has also sought for quashing of the order dt. 01.11.97 issued by the respondent No. 5 and also the order dt, 10.04.97 issued by the Army Head Quarter contained in annexure A-8 to the O.A.

2. The facts of the case are that the applicant Sri Arvind Kumar Jaiswal is son of Late Lakhan Lal Jaiswal, who died in harness on 06.07.88 while working as U.D.C in the Central Office at C.O.D, Chheoki, Naini, Allahabad. The case of the applicant for appointment on compassionate ground was considered. The Adjutant General (A.G.), respondent No. 4 ² ~~was~~ issued the letter dt.04.04.95 (a copy of which has been annexed as annexure A-4 to the O.A.) The applicant claims that aforesaid letter is a appointment letter of 22 persons including that of the applicant whose name has been mentioned at Sl. No. 16. The applicant also claims that out of 22 persons as many as 20 persons have been permitted to join their services but he is not being permitted to join his services. The applicant also claims that all other formalities regarding Police Verification etc. have already been completed but the applicant is being unnecessarily harassed and is not being permitted to join the services.

3. The respondents have opposed the claim of the applicant by stating that the Ministry of Defence

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vide letter dt. 02.11.93 has approved one time relaxation to fillup compassionate appointment against unutilised vacancies reserved for Ex-serviceman and physically handicaped person. Accordingly the letter dt. 04.04.95 (annexure A-4) was issued by the A.G's Branch through which 22 vacancies ^{were allotted} to different units including C.O.D, Chheoki for considering the appointment subject to further departmental sanction by Ordnance Department. It is further stated that out of 22 vacancies, departmental sanction for 10 candidates only was accorded by Army Head Quarter for C.O.D, Chheoki in which the father of the applicant was serving. As a result the appointment of the applicant at Sl. 16 was not given. It is also stated that the case of the applicant was processed time and again for according sanction but the Army Head Quarter turned down the proposal on the ground that there is no vacancy available and all the vacancies released for the purpose has since been exhausted. Thus it is denied that the name of the applicant was approved by the Ministry of Defence vide letter dt. 02.11.93.

4. I have heard Sri Dinesh Tripathi, proxy counsel to Sri Ranjit Saxena, learned counsel for the applicant and Sri Pankaj Srivastava, proxy counsel to Sri Satish Chaturvedi, learned counsel for the respondents.

5. It is evident from the pleadings of the respondents that applicant has not been given appointment as Mazdoor only on the ground that no vacancy is available. Learned counsel for the applicant has however, urged that the person mentioned at Sl. No. 22 of the list dt. 04.04.95 has been given appointment at C.O.D, Chheoki as Mazdoor and the claim of the applicant has been rejected without any reason. The learned counsel for the applicant

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has also pointed out that the registration No. of the applicant is 1073 whereas the registration No. of the person at Sl.No. 22 is 1080 therefore the preference should be given to the applicant. This fact is, no doubt ^R ~~but~~ is not proved on the record whether person at Sl. No. 22 has been given appointment but in case ^R ~~that~~ ^{the} person at Sl. 22 has been given appointment at C.O.D, Chheoki, Naini ^R ~~whereas~~ it is not proper to refuse the claim of the applicant. ^{post} Because the post to which the appointments are being made ⁵ class IV as Mazdoor and the ^{name} ~~registration~~ No. of the applicant ⁷ ~~is~~ being earlier registered, he should have been given appointment.

6. The O.A is therefore disposed of with the direction to the respondent No. 2 to ensure that in case the person at Sl No. 22 of the list has been given appointment who is junior to the applicant, the case of the applicant should be considered for the appointment in Gr. 'D' post. Necessary reasoned and speaking order should be passed within three months from the date of communication of this order .

7. There will be no order as to costs.

Raf'uddin
Member- J

/Anand/