CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad This The 26 th Day of May, 2000.

Original Application No. 303 of 1997

CORAM :

Hon'ble Mr. S. Biswa, A.M.

Indrajeet Yadav son of Late
Ram Nath Yadav, resident of
village-Almapur, Post Office-
Malawan Khurd, District Allahabad.

.... Applicant

(By adv. Shri S.K. Yadav)

Versus

1. Union of India through its
   Secretary, Ministry of Defence
   Government of India, New Delhi.

2. Director General Ordnance Service,
   New Delhi.

3. Commandant, Ordnance Depot. Fort,
   Allahabad.

.... Respondents

(By Km. S. Shrivastava)

1.   The applicant, son of late Ram Nath Yadav, an
ex-serviceman (ticket no. 720) has sought the following remedies.

          (a) To quash order dated 27.09.96 by passed by
respondents.

          (b) Direction be given to the respondents to
appoint him (applicant) on any post an compassionate ground,
as his father an ex-serviceman died in harness on 14.12.89.

2.   Heard the counsel for the respondents, Learned
for the applicant is that appearing in the case. Hence, the
case is decided on merits of records O.A. and R.A.

3.   As directed by respondent 3 vide his letter
dated 23.06.92, the requisite particulars were furnished
vide order dated 28.12.93 the applicant understand that
their case for compassionate appointed were laid considered
in relaxation to normal rules. A list of dependents were
prepared and sent to Respondent No. 2 in which the applicants
name wait at S. No. 5. But where recruitment of other
dependents were made under order dated 28.06.95, the
applicant's was not appointed. Further appointment was made vide
order dated 04.08.95 again and the applicant was over
looked. The applicant submitted that be is one of the most
deserving candidate for compassionate appointment but he was
not considered by the respondents. The conomic condition
of the applicant is poor having no earning member in the
family.

4.   The application has been opposed mainly on the
following grounds.

          (i) The applicant and his mother, viz, widow
of the deceased employee made in all two representation,
the latest representation was disposed of on 28.02.94
whereas, the O.A. was filed on 10.03.97. Hence the petition
is time barred.

(16)

(ii) The applicant has sought quashing of
order dated 27.09.96 which has not been enclosed. Nor
any such order is relating to the compassionate appointment
of the applicant. This letter relates to the compassionate
appointment of Ram Lochan Singh. If the applicant wants
that this letter should be quashed, which is his main
prayer in the O.A., then he should have made him a party.
Besides, quashing of this letter does not in any way serve
or make his prayer for compassionate appointment stronger.
If this order, even for arguments' sake, is quashed,
it would be a fruitless exercise - The demand is not only
illegal but preposterously out of context.

(iii) The compassionate appointments are
considered by - Board on objective evaluation of each
and every case - Selection and appointments are made in
deserving cases by observing certain objective standards
as several application for a limited member of posts are
received every year. By these numerical norms, the case
of the applicant fell short of the score than other more
deserving cases were able to secure. Besides the applicant
did not furnish all the requisite particulars as required
in the format. It is not free from doubt that he could have
omitted to furnish the particularly in full. purposely,
Hence he missed the rank and to take him no other vacancy
was available.

5.   Compassionate appointment is not for
asking or earned as a right. It is dependent on evaluation
of claims made by many applicants and most important,
an availability of vacancies. and financial condition

6.   I have looked into the numerical objective test prescribed by the respondent. This is by far the best way to process the claims for compassionate appointment.

7.   The application fails both on limitation and merits Hence the O.A. is dismissed with no costs.

A.M.

/h.k./