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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 9th day of October, 2000

Original Application No.577 of 1997

CORAM :-

Hon'ble Mr. Rafiuddin, J.M.

Mahesh Chandra Misra  
S/o Late Sri Ram Datt Misra,  
Resident of 6/744, Badripur,  
Haldwani district Nainital(U.P.).  
(Sri H.S. Srivastava, Advocate)

..... Applicant

Versus

1. Union of India through Secretary  
Ministry of Defence, New Delhi.
2. Engineer-in-Chief,  
Army Headquarters,  
DHQ PO New Delhi-110011.
3. Chief Engineer  
Headquarters Central Command,  
Lucknow.
4. Garrison Engineer(MES)  
Ranikhet (U.P.)-263645.

Km. Sadhna Srivastava, Advocate)

.... Respondents

O R D E R (O\_r\_a\_1)

By Hon'ble Mr. Rafiuddin, J.M.

The applicant Sri Mahesh Chandra Misra is the son of Late Ram Datt Misra, who was working as Switch Board Attendant in the office of the Assistant Garrison Engineer, Haldwani, <sup>and</sup> died in harness on 12-4-1983, The deceased employee left behind his widow, two sons including the applicant. The present OA has been filed

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by the applicant seeking direction to the respondents to appoint him on compassionate ground because the appointment of the applicant on compassionate ground is necessary to mitigate the hardship of the family the deceased who was the sole bread earner in the family.

2. It is further stated by the applicant that a proper application was submitted by the mother of the applicant for this purpose on 14-4-1988. However, the respondent no.2, Engineer-in-Chief, Army Headquarters, New Delhi, vide their letter dated 1-5-1996 informed the mother of the applicant that the case of the applicant for appointment was considered against 14 vacancies released by the Army Headquarters for appointment and there were 75 similar applicants awaiting appointment on compassionate ground. After the assessment made by the Board of Officers, the case of the applicant was at Serial No.37 in the seniority. The mother of the applicant was also given assurance by the respondent no.2 that the case of the applicant will be considered as and when further vacancy becomes available on merit.

3. I have heard Sri H.S. Srivastava, counsel for the applicant and Km. Sadhna Srivastava, counsel for the respondents.

4. It has been clearly admitted by the respondents vide para 12 of their counter affidavit that as per assessment made by the Board of Officers, the case of the applicant is at Serial No.37 and his case for appointment on compassionate ground will be considered if the vacancies are available on merit. It has, however, been pointed out by the learned counsel for the applicant that vide letter dated 17-7-1999 respondent no.3, Chief Engineer, Headquarters Central Command, Lucknow has informed the applicant's mother that the appointment

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of the applicant cannot be offered for want of release of vacancies from Army Headquarters. The mother of the applicant has further been informed by the Chief Engineer, Bareilly Zone vide letter dated 23-1-2000 that further action regarding appointment of the applicant on compassionate ground will be processed after finalisation of the present OA pending in this Tribunal.

5. Learned counsel for the applicant presses that the present OA may be disposed of in the light of the aforesaid letters. Accordingly the OA is disposed of with the direction to the respondents to consider the case of the applicant for appointment on compassionate ground within three months from the date of communication of this order. There shall be no order as to costs.

*Rohit Verma*  
Member (J)

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