

OPEN COURT.

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Original Application No. 1266 of 1998.

Allahabad, this the 27th day of November, 2002.

HON'BLE MR. M.P. SINGH, Member-A.

1. Smt. Phaggo Devi,
w/o Late Sri Sidh Narain,
R/o Village Jaithwara Deeh, Post- Tharwai,
Tehsil- Soraon, District- Allahabad.
2. Gauri Shankar
S/o Late Sri Sidh Narain,
Village- Jaithwara Deeh,
Post- Tharwai, Tehsil- Soraon,
District- Allahabad.

.....Applicants.

(By Advocate : Sri A.K. Srivastava)

Versus.

1. Union of India
through its Secretary,
Ministry of Defence,
New Delhi.
2. Director General,
Ordnance Services, D.H.Q.,
P.O., New Delhi.
3. Major General,
Army Ordnance Corps,
Central Command,
Lucknow.
4. Commandant,

Ordnance Depot,
Fort, Allahabad.

.....Respondents.

(By Advocate : Sri S Mandhyan)

ORDER

(BY HON'BLE MR. M.P. SINGH, A.M.)

In the present O.A., the applicant has sought for a direction to quash the orders dated 31.03.1998 and 06.09.1996 passed by respondent No. 4 and has sought/further direction to re-consider the case of the applicant No. 2 for appointment on compassionate grounds.

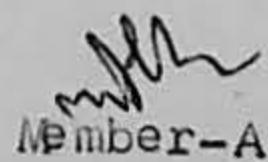
2. The admitted facts in brief are that the applicant No. 2 is the second son of Late Sri Sidh Narain, who was working in Ordnance Depot, Allahabad. He died in harness on 16.07.1994. The applicant No. 1 had submitted application dated 12.09.1995 for appointment of her son on compassionate grounds. The said application was considered by the respondents but the same was rejected and the applicant was duly informed vide letter dated 14.02.1996. The applicant again applied for appointment on compassionate grounds on 27.03.1996. That application was also rejected on the ground that the applicant's son could not find place in the merit list in the face of more deserving candidates and there being limited number of vacancies. The said decision was communicated to the applicant vide letter dated 06.09.1996. The applicant had again applied for the third time vide letter dated 21.11.1997. Her application was again rejected on the abovementioned grounds. She was duly informed vide letter dated 31-3-1998. The respondents in their reply have stated that the appointment on compassionate grounds cannot be claimed as a matter of right and the courts and

Administrative Tribunals cannot issue direction to make the appointment on compassionate grounds in disregard to the instructions on the subject. According to the respondents, the case of the applicant has been considered thrice but the applicant has not been found fit for appointment on compassionate grounds, in view of the limited number of vacancies and more deserving candidates.

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

4. During the course of the arguments, the learned counsel for the applicant has drawn my attention to Annexure-1 to the supplementary rejoinder affidavit. He has submitted that as per Annexure-1, the respondents have advertised 100 vacancies for group 'D' and 'C' posts, therefore, the plea taken by the respondents that applicant No. 2 could not be considered for appointment for availability of the vacancies, is not correct. He has, further, submitted that the respondents be directed to again consider the case of applicant No.2 for appointment against group 'D'/'C' posts in the light of the Annexures-1 and 2 to the supplementary rejoinder wherein, the respondents have advertised 100 group C and D vacancies for recruitment. I find force in the submission made by the applicant.. In the circumstances, I feel that ends of justice will be duly met if the respondents are directed to consider the case of the applicant No. 2 for appointment on compassionate grounds, in view of Annexures No. 1 and 2 annexed to Supplementary Rejoinder Affidavit, by passing a speaking and reasoned order within 3 months from the date of receipt of a copy of the order. I do so accordingly.

5. The present O.A. is disposed of in the aforesaid terms.
No costs.


Member-A