

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1352 of 1998

Allahabad this the 01st day of January, 2001

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

Kunwar Bahadur Yadav, Son of Late Deep Chand
Yadav, resident of Village Paharpur (Andar),
Post Jagatpur, District Allahabad.

Applicant

Advocate Shri Awadhesh Tiwari

Versus

1. Union of India through its Secretary, Ministry
of Defence, New Delhi.
2. Commandant, Central Ordinance Department,
Chheoki, District Allahabad.
3. Personnel Officer (civil), Central Ordinance
Department, Chheoki, District Allahabad.

Respondents

By Advocate Shri S.C. Tripathi

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri K.B. Yadav has come up seeking
relief to the effect that the respondents be
directed to consider the candidature of the
applicant to be appointed on compassionate
ground.

2. As per applicant's case, his father

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Deep Chand Yadav died on 02.1.1977 while in the service of respondents and the applicant has to support and look after the dependants left by the deceased who are facing hardship for no source of income. He applied for appointment on compassionate ground but, the same has not been provided to him as per impugned order annexed as annexure-1.

3. The respondents have contested the case and filed the counter-reply with the pleadings that no cause of action has accrued to the applicant because there is no denial from the side of the respondents and it is quite evident from annexure A-1 that his case will be considered when his turn comes.

4. Heard and perused the record.

5. The applicant has come up impugning the order dated 09.12.1997 through which he has been informed as under;

"Since there were ^(was) only one vacancy, you were not considered for the appointment. It is also intimated that on receipt of further vacancies from Army Headquarters, your case will be considered de-novo by a board of officers and merit list drawn afresh. You will be intimated of the position accordingly."

6. Perusal of referred portion of impugned order goes to show that the case for compassionate appointment of the applicant is still alive with the respondents and he has not so far been denied

his right as such. As per referred impugned letter, he has been intimated that whenever vacancy is available, his case would be considered denovo.

7. With the above position in view, I find that the applicant has come up before the Tribunal when no cause of action has accrued to him. However, the O.A. is finally decided with the observation that the Officer in respondents establishment must care that the ~~re~~claim of the applicant is not ignored when on merit he becomes entitled for appointment on compassionate ground. No order as to costs.

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Member (J)

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