

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 19th day of MARCH 2004.

Original Application no. 1633 of 2001.

Hon'ble Maj Gen K.K. Srivastava, Member-A.

1. Smt. Malti Devi, W/o late Sri M.L. Sahu,
R/o 319, Krishna Nagar, Kydganj,
ALLAHABAD.
2. Sushil Kumar Sahu, S/o late M.L. Sahu,
R/o 319, Krishna Nagar, Kydganj,
ALLAHABAD.

... Applicants

By Adv : Sri R. Verma

V E R S U S

1. Union of India through the Secretary,
Ministry of Defence,
NEW DELHI.
2. The Commandant, Central Ordnance Depot, Chheoki,
ALLAHABAD.

... Respondents

By Adv : Sri J.N. Sharma

O R D E R

Maj Gen K K Srivastava, AM.

In this OA, filed under section 19 of the A.T. Act, 1985, the applicant has prayed for following reliefs :-

"(i) To issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 29.06.2001 passed by the respondent No. 2 intimating the petitioner that his case has been considered 10th time for appointment on compassionate grounds under relaxation to normal rules against Group 'D' post but he could not find place in the select list due to limited number of vacancies and

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thereby rejecting the claim of the petitioner
(ANNEXURE-A-I)

(ii) To issue a writ, order or direction in the nature of Mandamus directing the respondent No. 2 to reconsider the case of the petitioner for appointment on compassionate ground under relaxation to normal rules against Group 'D' post and to appoint him incase he is found fit.

(iii) To issue any other suitable writ, order or direction in the facts and circumstances of the case which this Hon'ble Tribunal may deem fit and proper.

(iv) To award cost of the petition."

2. The grievance of the applicant is that the order dated 29.06.2001 is totally misconceived wherein it has been stated that the case of the applicant has been considered for 10 times for compassionate appointment on Group 'D' post under relaxation of of normal rules.

3. Sri R. Verma, learned counsel for the applicant invited my attention to annexure A3 which is the order of the respondents dated 04.10.1998, wherein, in para 2, it is clearly mentioned that his application for compassionate appointment on group 'D' post could not be considered as the result of High School bearing roll no. 460664 of the applicant was cancelled on the ground of copying. The applicant has filed suppl. affidavit annexing therewith the marks sheet of High School examination of 1988 bearing roll no. 460664 (Ann SA1) and also High School certificate of the year 1988 issued by Board of High School and Intermediate, UP (Ann SA2). Applicant's counsel submitted that the marks sheet and certificate which were with-held by the UP Board were released in pursuance of the order of Hon'ble High Court dated 05.12.2002 by which his petition was allowed and the

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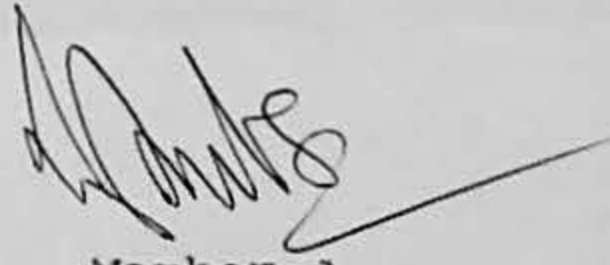
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applicant was declared passed in the High School examination 1988.

4. In view of the above submission of learned counsel for the applicant I am of the view that the applicant should not be denied consideration of compassionate appointment on any Group 'G' or 'D' post.

5. In the interest of justice I allow the applicant to file a detailed representation alongwith copy of this order before respondent no. 2, who shall process the same with the Competent Authority immediately. ^{h m} On receipt of such representation ~~and~~ the Competent Authority shall consider the case of the applicant and pass a reasoned and speaking order within a period of four months from the date such representation alongwith copy of this order is filed, through respondent no. 2

6. There shall be no order as to costs.


Member A

/pc/