

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 18th day of January, 2001

Original Application No. 28 of 2001

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Dinesh Chandra Son of Mewasi Lal,  
Resident of Village & Post-Dhanauli,  
District-Agra.

(Sri K.S. Misra, Advocate)

..... Applicant

Versus

1. Union of India through Secretary,  
Ministry of Defence, Govt. of India,  
New Delhi.
2. Civilian Staff Officer,  
CUAS Secretariate,  
Army Headquarters, South Block,  
DHQ PO NEW DELHI.
3. Directorate General of Ordnance  
Services, Master General of Ordnance Branch,  
Army Headquarters, DHQ PO New Delhi-11.
4. SCSO, Joint Director OS Personnel,  
For Directorate General Ordnance  
Services, Agra.

..... Respondents

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

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this application filed under Section 19 of the  
Administrative Tribunals Act, 1985, the applicant has  
challenged the order dated 22-9-2000 by which the  
applicant has been denied the appointment on compassionate  
ground.

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/facts of the

2. The case in short giving rise to this application are that the father of the applicant Late Mawasi Lal was serving as labourer in the COD, Agra. While in service, Mawasi Lal died on 18-2-1983 leaving behind his widow and two sons Jagdish Chandra and the present applicant Dinesh Chandra. The elder brother of the applicant applied for compassionate appointment. However, his claim was not accepted. In the meantime he married himself and died on 18-6-1994. After the death of Jagdish Chandra, the applicant made an application for his appointment on compassionate ground. He gave a notice through the counsel which was replied by the respondents by letter dated 7-7-2000 (Annexure-A-2) and the applicant was asked to supply full particulars regarding the father of the applicant. After receiving full particulars the respondents passed an order on 2-9-2000. In the order it has been stated that the applicants elder brother Jagdish Chandra was considered twice alongwith other similarly situated candidates in 1984-94 but he could not be selected due to more deserving cases and limited number of vacancies available. It is further stated that after the death of Jagdish Chandra the case of the applicant was considered but he could not be found suitable for appointment on compassionate ground on the basis of criteria laid down to determine relative hardships to the claimants and limited number of vacancies. <sup>counter-apply</sup> para 3 reads as under :-

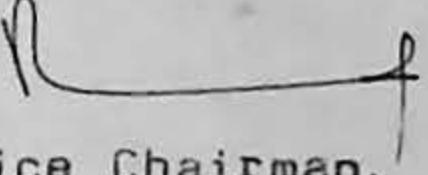
"Now 17 years have passed since the death of your father Shri Mawasi Lal (died in 1983), and his dependents i.e. you and your brother have already been considered thrice for employment but rejected by Board of Officers as per rule in vogue. As your family could pull on all these years your case is no longer considered compassionate and your request now for consideration of your case again for employment cannot be acceded to as per existing policy."

3. Learned counsel for the applicant has assailed the order on number of grounds, mainly on the ground of delay caused on account of late action of the respondents. Learned counsel has also relied on the judgement of the Hon'ble Supreme Court in case of Umesh Kumar Nagpal Vs. State of Haryana, J.T. 1994 (3) SC 525 and the Hon'ble High Court in case of Director Harijan Evam Samaj Kalyan Vibhag 2000(1) E.S.C. 611 and Sanjeev Kumar Dubey Vs. D.I.O.S. Etawah & Ors, 2000(1) E.S.C. 635(Ald.), and Smt. Sushma Gosain & Ors Vs. UOI & Ors, 1989 (4) S.L.R. 327.

4. I have considered carefully the submissions made by the counsel for the applicant. The principles laid down by the superior Courts can be applied only in case the facts of the case are ~~are~~ similar. However, in the present case I do not find that the respondents have committed any mistake in rejecting the claim of the applicant. It cannot be disputed that the appointment on compassionate ground cannot be claimed as a matter of right. It is by way of help given by the Government to a family which is left orphan and ~~is~~ <sup>no body is left</sup> to maintain itself on sudden death of an employee. However, the laudable object with which this scheme was introduced, has not been followed in ~~the best~~ proper sense. ~~now~~ <sup>it is</sup> presently ~~now~~ appointments are being claimed more as a matter of right. In the present case Mawasi Lal died in 1983. About 18 years have passed. This family survived. The purpose of immediate help does not exist. Jagdish Chandra, late brother of the applicant married himself, though admittedly he was not given employment. Thus, the applicant's family could afford to add one more member in the family and still it is claimed that the family is destitute. The applicant is a young and major man and he can shoulder responsibilities of the

family. He is expected to earn for his family, to maintain his mother and ~~other~~ left in the family.

5. The respondents have clearly stated in their reply that the claim was considered thrice but in view of more deserving cases, the applicant could not be considered. Only limited vacancies are being released for such appointments. The impugned order does not suffer from any illegality. This application has no merit and is accordingly rejected.

  
Vice Chairman.

Dube/