

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 13th day of August, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

O.A. No. 910 of 2001

Subhash Chandra Son of Late Shri Sagar Singh, resident of  
village Mondhia, Post Office Mandawar, Pargana Mandawar,  
Tehsil, Bijnor, District Bijnor..... ....Applicant.

Counsel for applicant : Sri K.M. Garg.

Versus

1. Union of India through the Secretary, Ministry of Defence,  
New Delhi.
2. Director General, Directorate General of Medical Services  
(Army), Adjutant General's Branch, Army Headquarter, L  
Block, New Delhi..... ....Respondents.

Counsel for respondents : Sri M.B. Singh.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri K.M. Garg, learned counsel for applicant, Sri M  
B. Singh on behalf of the respondents & have perused the  
pleadings on record and the documents annexed thereto.

2. By means of this O.A., the applicant has prayed  
for a direction to the respondents to give appointment to  
the applicant on compassionate grounds. It is alleged that  
the applicant's father Late Sri Sagar Singh, who was employed  
as Chowkidar at Army Medical Services at Lansdown Military  
Hospital, District Pauri Garhwal, died in harness on 12.3.97.  
The applicant staked his claim for compassionate appointment  
and the Commanding Officer Lansdown had directed the appli-  
cant on 4.4.1997 to submit an affidavit, which it is alleged,  
was submitted by the applicant. The grievance of the  
applicant is that till date, respondents did not communicate  
any decision for the claim of compassionate appointment  
despite representations, which is dated 15.5.1998 followed  
by the representations dated 8.5.2000 and 29.5.2000. In

Q.M.J

Paragraph 8 of the O.A., however, it is stated that by letter dated 29.5.2000, the applicant was informed that the Selection Board constituted at the Hqrs. had considered the applicant along with other eligible candidates. The applicant, according to averments made in paragraph 8, was placed at Sl.No.146 in order of merit but the vacancies were only 38 and the applicant was to be considered again in the next Board. It cannot be gain said that the compassionate appointment should be offered against 5% vacancy and the more deserving candidates are bound to take precedence in the matter of compassionate appointment. It may be observed that a candidate may be considered thrice but it is not clear in the instant case whether the applicant was considered in second and third selection made by the Board for the purpose of compassionate appointment.

3. In the circumstances, it would be but proper to dispose of the present O.A. with the direction that if the applicant files a fresh representation, the competent authority shall consider and dispose of the same in accordance with law by a speaking and reasoned order and, if necessary, the competent authority shall ensure that the applicant is considered for compassionate appointment in accordance with law, within a period of three months from the date of receipt of a copy of this order, along with the representation.

No order as to costs.

④9  
V.C.

Asthana/