

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 918 of 2001

alongwith

Original Application No. 919 of 2001

Original Application No. 920 of 2001

Original Application No. 921 of 2001

Original Application No. 922 of 2001

Original Application No. 923 of 2001

Allahabad this the 01st day of August, 2001

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

O.A.No. 918 of 2001

Jitendra Kumar Prajapati, S/o Late Rajendra Kumar Prajapati, R/o 59/47, Khalasi Line, Kydganj, Allahabad.

Applicant

By Advocate Shri G.P. Tripathi

O.A.No. 919 of 2001

Mahesh Kumar, S/o Late Chhotey Lal, R/o 122, Sadar Bazar Cantt., Allahabad.

Applicant

By Advocate Shri G.P. Tripathi

O.A.No. 920 of 2001

Kandhai Lal S/o Jaggannath (Late) R/o 293, New Bairahna, Allahabad.

Applicant

By Advocate Shri G.P. Tripathi

O.A. NO. 921 of 2001

Amrit Lal S/o Late Sri Dhangoo Lal R/o 511 Buxi Khurd, Daraganj, Allahabad.

Applicant

By Advocate Shri G.P. Tripathi

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*Recd*

O.A.No. 922 of 2001

Rakesh Kumar Kanojiya, S/o Late Chhedi Lal, R/o  
55, New Lasker Line, Old Bairahana, Allahabad.

Applicant

By Advocate Shri G.P. Tripathi

O.A.No. 923 of 2001

Mohd. Nafees Siddiqi, Son of Late Mohd. Rafiq, R/o  
240, Khalasi Line, Kydganj, Allahabad.

Applicant

By Advocate Shri G.P. Tripathi

VERSUS

1. The Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi.

(Respondent no.1 in all the O.As)

2. The Commandant, 508 Army Base Workshop, Allahabad Fort-211005

(Respondent no.2 in O.A.No.918/01, O.A.No.919/01, O.A.No.922/01 & O.A.No.923/01)

3. The Commandant, Ordnance Depot Fort, Allahabad.

(Respondent no.2 in O.A.No.920/01 & O.A.No.921/01)

3. The Director General, EME (EME Civ-2) DHQ PO, New Delhi-110011.

(Respondent no.3 in O.A.No.918/01, O.A.No.919/01, O.A.No.922/01 & O.A.No.923/01)

4. The Director General, Ordnance Services, Army Headquarters, DHQ, PO, New Delhi-110011.

(Respondent no.3 in O.A.No.920/01 & O.A.No.921/01)

4. The Accountant General, Uttar Pradesh, Allahabad.

(Respondent no.4 in all the O.As)

By Advocate Shri R.C. Joshi

By Advocate Shri Satish Chaturvedi (for respondent no.4)

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O\_R\_D\_ER ( Oral )

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

All the applicants concerned in these O.A. applied for appointment on compassionate ground which have been rejected by the competent authority and now they have come up seeking relief to the effect that the respondents be directed to consider their case according to rule framed in this regard and not to fill the vacancies notified by respondent no.2 and respondent no.4 on 18.06.01 and 14/20.10.00 respectively. Since the grounds taken and relief sought are almost of the similar nature and the submissions on behalf of the applicants and respondent no.4 are the same, it is found convenient to decide all the matters by this order.

2. As per the case of the applicants, their bread earner died in harness while in the service of different establishments under the Ministry of Defence. They applied for appointment on compassionate ground, which have been rejected by the General Manager (Admn.) Thalsena Base Workshop, mainly on the ground that their matters were considered keeping in view the family liability, family income and the property, as well as the availability of the vacancies, and the same were rejected.

3. The grounds taken by the applicant through this O.A. to impugn this rejection order, were considered in the light of submission from the side of the applicant and pleadings on record and I find there is nothing to interfere in the same. So far as declared vacancy is concerned, I do not think

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it would be proper to direct the respondents not to fill the same in pursuance of notification in this regard till disposal of these OAs because it is not obligatory on the part of the respondents to provide the job on compassionate ground whenever any vacancy arises. Appointment on compassionate ground is only to provide the assistance to the indigent family on untimely death of bread earner who dies in harness and it depends upon the condition of individual family, <sup>whether</sup> if they are entitled to have this benefit on compassionate ground or not and, therefore, it cannot be taken as legally enforceable right of inheritance. It is also to be pointed out that the post to be filled in the Office of Accountant General, U.P. Allahabad cannot be considered for compassionate appointment of these applicants whose deceased father were the employees in Defence establishments and not with the Accountant General.

4. For the above, I do not find any merit in the OAs which are dismissed in limine. No order as to costs.

*sd/c*  
*7m.*