

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28TH DAY OF AUG: 2002

Original Application No 1176 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Neel kamal Pal, Son of late
Shri Mohan lal, Ticket
No.3655,Mazdoor,C.O.D.Kanpur.

... Applicant

(By Adv: Shri Satish Mandhyan)

Versus

1. The Union of India through
Secretary, Ministry of Defence
South Block, New Delhi.
2. Director Ordnance Services
Army headquarters, New Delhi
3. Officer Incharge, Army ordnance
Corps, Records, Trimul Giri,
Sikandrabad, Andhra Pradesh
4. Commandant, Central Ordnance
Depot, G.T.Road,Kanpur.

... Respondents

(By Adv: Shri A.N.Shukla)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

The applicant by this OA u/s 19 of A.T.Act 1985 has challenged the order dated 16.8.01(Annexure 1) by which his representation for conversion of grade has been rejected.


The facts of the case are that father of the applicant late Mohan Lal was serving as Machinist in C.O.D. Kanpur. He died in harness on 21.7.1987. After the death of Mohan Lal applicant applied for appointment on compassionate ground in relaxation to normal rules. The applicant was given appointment by letter dated 8.11.1995 as mazdoor. In pursuance of

which he joined on 21.11.1995. Since then applicant is serving on the[~] post. Applicant gave his first representation on 13.1.2000 for the change of his grade which was rejected by order dated 25.1.2000(Annexure A-4). The reason stated in this order was that his appointment on compassionate ground once accepted, under the provisions of para 10 of D.O.PT O.M. No. 14014/6/86-Estt(c) dated 30.1.1987 for change in post already accepted on compassionate appointment cannot be considered at later stage. This order became final against the applicant and it was not challenged by him. Later on applicant again made a representation on 01.8.01 for change of the post. Request was that in place of mazdoor he should be appointed as Store keeper. It was also mentioned that he is graduate and ~~has~~^{also} holds degree of B.Ed. In the representation it was also mentioned that persons namely Arun Kumar and Rudramani though were appointed as mazdoors but their appointments were changed subsequently and they were appointed as Store Keepers. This representation has also been rejected by order dated 16.8.01, impugned in this OA. It has been stated that two persons whose appointments have been changed stand on different footing as their fathers were Ex.Army personnels and they died in action. The learned counsel for the applicant has submitted that father of Arun Kumar and father of Rudramani did not die in action but they died as Army personnels. ^{That} Be^{as} it may, it cannot be disputed that heirs of army personnels are given different treatment and they are given number of concessions and they form a different class altogether. If they have been given different treatment applicant, ^{can't} ~~can~~ not have any grievance as he

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did not belong to that class. We do not find any illegality in the order. It may also be mentioned here that the representation of the applicant was rejected on 25.1.2000 that order become final which has not been challenged by the applicant and the present OA is liable to be dismissed on this ground also, he is not entitled for relief.

For the reasons stated above, this OA lacks merit and is accordingly rejected. There will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 28th August, 2002

Uv/