

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1250 OF 2001  
ALLAHABAD THIS THE 3RD DAY OF MARCH,2004

HON'BLE MR. A. K. BHATNAGAR MEMBER-J

Raj Narain,  
S/o Late Chiranjit Lal,  
Ex-Mazdoor, T.No.666/CPL,  
R/o 70/76-Swaraj Nagar,  
P.O. Teliaganj, Allahabad. ....Applicant

( By Advocate Shri Ram Chandra )

Versus

1. The Commandant,  
Ordnance Depot Fort,  
Allahabad-5.
2. The Chief Engineer,  
H.Q. Central Command Contonment Area,  
Lucknow-226002.
3. The Director General of Ordnance,  
Services Govt. of India,  
Army Headquarters,  
D.H.Q., P.O. New Delhi-110011.
4. The Union of India,  
through Secretary Defence,  
Ministry of Defence,  
Sena Bhawan, New Delhi. ....Respondents

( By Advocate Shri P. Krishna)

*A*

ORDER

By this D.A. filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for quashing the impugned order dated 01.08.2001 (Annexure A-1) by which the claim of the applicant for appointment on compassionate grounds has been rejected. He has further prayed for a direction to appoint the applicant to labour or to any Group 'D' (Industrial Post) post on compassionate grounds.

2. The facts of the case are that the father of the applicant while working as Mazdoor in the respondent's establishment i.e. Commandant Ordnance Depot, Fort, Allahabad, died on 04.09.1998 leaving behind the widow and four sons and two unmarried daughters.

3. Learned counsel for the applicant submitted that the applicant was appointed as Mazdoor on 22.06.1963 and worked for 35 years with an unblemished record. As three sons of the deceased were already living separately and one son and two unmarried daughters were living with the widow so the applicant Sri Raj Narain (Fourth son) of the deceased applied for compassionate appointment which was rejected by the respondents vide letter dated 01.08.2001 filed as (Annexure A-1). The learned counsel for the applicant submitted that the applicant belongs to schedule caste community and to a very poor family having no means to survive. The only grievance of the applicant is that his case for compassionate appointment has not been properly considered and decided. The order has been passed in a mechanical manner and without proper application of mind.

4. The learned counsel for the respondents contesting

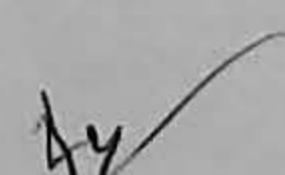
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the claim of the applicant filed CA. <sup>and</sup> Inviting my attention to para 11 of the CA submitted that the case of the applicants has been examined thrice and it was intimated to the applicant vide letter dated 03.02.2001. The case of the applicant could <sup>not</sup> ~~find~~ place in the merit, due to more deserving candidates and limited number of vacancies. The details are given in para 11 of the CA which clearly shows that the applicant does not deserve consideration for compassionate appointment due to the reasons given in the order dated 01.08.2001.

5. I have heard the counsel for the parties and perused the pleadings.

6. I have perused order dated 01.08.2001 and also seen the original letter dated 01.08.2001 supplied by the counsel for the applicant at the time of arguments. In both the orders I find that in third line of para 2 there is some gap ..... after (by the Board of Officers held on) and also find that no specific reasons are given for ~~reject~~ing the claim of the applicant. This action of the respondents clearly shows that the respondent no.1 has passed this order in a casual manner without proper application of mind. On this ground alone this impugned order deserves to be quashed.

7. In view of the above ~~and~~ <sup>the</sup> order dated 01.08.2001 (Annexure A-1) is quashed and the case is remitted back to the competent authority i.e. respondent no.1 with a direction to re-consider the matter keeping in view the condition of the deceased's family and pass a speaking order as per rules within a period of four months from the date of receipt of a copy of this order. No costs.

  
Member-J