

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 26th day of **February**, 2008.

HON'BLE MR. ASHOK S. KARAMADI, MEMBER- J

ORIGINAL APPLICATION NO. 1232 OF 2004

Manoj Kumar Ram, a/a 26 years, S/o Late Sri F.D. Ram
R/o Village and Post- Yaqoobpur, Distt. Mau.

.....Applicant.

VER S U S

1. Union of India through the Secretary, M/o Defence,
Central Secretariat, New Delhi.
2. The Commandant, Central Ordnance Depot, Kanpur.

.....Respondents

Present for the Applicant:

Sri R.K. Srivastava

Present for the Respondents :

Sri Saumitra Singh

ORDER

This Original Application is filed to quash the order dated 23.10.2002 passed by the respondent No. 2 and other relief(s). By the said order, the respondents have rejected the claim of the applicant for compassionate appointment.

2. Brief facts of the case are that the father of the applicant died on 08.12.2000 while in service leaving behind his wife, three sons and two daughters out of which, the applicant is one of them . Subsequently the applicant made request vide representation dated 11.05.2001 to the respondents for his appointment on compassionate grounds. On receipt of the said representation, the respondents verified the same and called upon certain particulars from the applicant. As the applicant has not



produced the requisite information and the documents, the respondents proceeded to pass the impugned order dated 23.10.2002, being aggrieved the applicant filed this O.A alongwith Civil Misc. Delay Condonation Application.

3. On notice, the respondents have filed Counter Affidavit stating therein that the case of the applicant was considered in accordance with relevant rules and the particulars furnished by him and after verification of the documents and the information furnished by the applicant, the matter was placed before the Board of Officers for the first time in 2002 for consideration, who rejected being time barred by the impugned order and further stated that the grounds taken in delay condonation application in filing O.A are not sufficient, therefore, sought for dismissal of the O.A.

4. I have heard learned counsel for the parties. The reason for condonation of delay, as stated by the applicant in the Affidavit in support of the same, is the one that on the advise of the counsel, he came to Allahabad on 26.08.2004 and filed this O.A and there is no deliberate intention on his part. Except saying this, there is nothing on record to show the reasons for condonation of delay in filing this O.A. In the absence of sufficient reason for the condonation of delay in the Affidavit, I have also perused the other materials produced by the respondents in their Counter Affidavit as well as the statement made by the applicant with regard to his case, I am satisfied with the reasons given by the respondents in rejection order dated 23.10.2002 that the case of the applicant does not come within the purview of compassionate appointment on the ground of delay as the applicant was called upon to



furnish certain particulars by the respondents but, admittedly, the same were not furnished by the applicant within time and the same was furnished to the respondents after expiry of the date. Therefore, it cannot be said that there is any lapse on the part of the respondents in not considering the case of the applicant. On merits also, the case of the applicant alongwith other deserving candidates, was placed before Board of Officers, who, after taking in to account the relevant rules and guide lines, have rejected the claim of the applicant for compassionate appointment being not found deserving candidate.

5. In view of the forgoing submissions, the contention of the applicant that his case was not considered by the respondents in accordance with rules and guide lines on the subject, cannot be accepted. The very object to give compassionate appointment is to help the family to get out the emergency, which is indigent and deserves immediate assistance for relieve from financial destitution. Having regard to the same, the case is to be looked into. In the case in hand, the respondents, considering the request of the applicant for compassionate appointment, have placed the same before Board of Officers, who found the applicant as not more deserving than the similarly placed candidates. In that view of the matter, as the respondents have duly considered the request of the applicant alongwith other similarly placed candidates, I do not find any justifiable ground to interfere with the impugned order. The application for Condonation of Delay in filing O.A is rejected. Consequently the O.A is also dismissed.

6. There shall be no order as to costs.


MEMBER- J.

/Anand/