

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO. 1663 OF 2004

ALLAHABAD THIS THE 28/11 DAY OF NOVEMBER, 2007

HON'BLE MR. SHAILENDRA PANDEY, MEMBER-A

Mohd. Kamran, S/o late Sri Kismat Miyan, R/o 187-A
Baxi Kalan, Daraganj, Allahabad

.....Applicant

(By Advocate Shri R.K. Srivastava)

V E R S U S

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Commandant Ordnance Depot Fort, Allahabad.
3. Personnel Officer for Commandant Ordnance Depot, Fort, Allahabad.

.....Respondents

(By Advocate: Sri S. Singh)

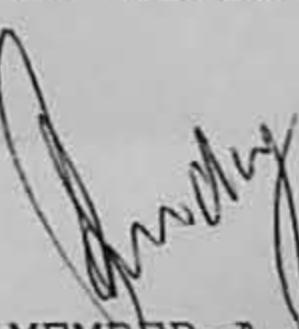
O R D E R

Through this O.A., the applicant has challenged the order of the respondents' dated 4.6.2003 finally rejecting the claim of the applicant for appointment on compassionate grounds in view of other more deserving cases and limited number of vacancies. The applicant has contended that he has filed all the relevant documents relating to educational qualifications and an affidavit of his mother and brother regarding 'No Objection', and that the large family has only the pension of his late father as

their source of income and that this is not sufficient, and has sought intervention of this Tribunal in the matter of his early compassionate appointment.

2. The respondents' counsel has pointed out that the case of the applicant was considered by the respondents not once, but on three occasions, but was rejected by the Board of Officers which considered the cases of compassionate appointment in terms of Government policy and orders and, after considering the relevant criteria such as no of earning members, essential needs of the family, priority of the case in terms of hardships etc. Further, there was no vacancy available within the ceiling of the 5% quota available for compassionate appointments. He has also referred to judicial rulings on this subject pointing out that the Court or the Tribunal cannot give direction for appointment of a person on compassionate grounds, but can merely direct consideration of the claim for such appointment and that appointment on compassionate grounds can be made only if a vacancy is available for the purpose.

3. In view of the above, the O.A. fails and is accordingly dismissed. No costs.


MEMBER-A