

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO. 1626 OF 2004.

ALLAHABAD THIS THE 14TH DAY OF MARCH 2008.

Hon'ble Mr. A.K. Gaur, J.M

Mahesh Chandra Mishra, S/o late Sri R.D. Mishra, R/o 6/774, Badri Pura, Haldwani, Nainital.

.....Applicant

(By Advocate: Shri B.N Singh/Sushil Kumar/Shri Saran Kumar)

Versus.

1. Union of India through the Engineer-In-Chief, Branch EIA, Army Head Quarter, Kashmir House, DHQ P.O New Delhi-11.
2. Head Quarter, Chief Engineer, Bareilly Zone, Sarvatra Bhawan, Station Road, Bareilly Cantt.

.....Respondents

(By Advocate: Shri Saumitra Singh)

ORDER

Heard Shri B.N Singh, learned counsel for the applicant and Shri Anupam Kumar holding brief of Shri S. Singh, learned counsel for the respondents.

2. Shri B.N Singh invited my attention to para 5 of the order dated 21.12.2000, it is clearly observed as under:-

"At present there is no vacancy of LDC against 5% of Direct Recruitment Quota, as per the Govt. Policy and therefore, your case will be sympathetically considered for appointment of LDC as and when the vacancy occurs for such appointment as per your turn".

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3. Learned counsel for the applicant has also submitted that vide order dated 3.7.2000, respondents have passed the order and in this order, it is clearly mentioned that the case of the applicant for compassionate appointment has been considered by appropriate authority and the same was rejected by Chief Engineer, Bareilly vide letter dated 20.6.2002. The case has now been closed.

4. Shri B.N Singh learned counsel for the applicant has vehemently argued that it is peculiar feature of the case, at one place they say that candidature of the applicant for compassionate appointment shall be considered sympathetically and subsequently they are saying that case of the applicant is rejected. Shri Anupam Kumar holding brief of Shri S. Singh, learned counsel for the respondents has contended that compassionate appointment cannot be claimed as a matter of right and it is ^{an} exception to the General Rule.

5. Having heard parties counsel at length, I am of the considered opinion that no reasons have been recorded by the Competent Authority while rejecting the case of the applicant. In that view of the matter, Competent Authority is directed to reconsider the case of the applicant for compassionate appointment ^{by a reasoned and speaking order} within a period of three months from the date of receipt of a copy of the order.

6. With the aforesaid direction, the O.A. is disposed of. No costs.

Anil Gaur
Member-J

Manish/-