

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 09th day of DECEMBER 2005.

Original Application No. 403 of 2004.

Hon'ble Mr. A.K. Singh, Member (A)

1. Sri Nitin S/o late Sri M.R. Khan,
R/o B-22 Bhivalik Colony,
Rajpur Road, Dehradun (Uttranchal).
2. Mrs. Bimal Khan, W/o late M.R. Khan,
R/o B-22 Bhivalik Colony,
Rajpur Road, Dehradun (Uttranchal).

.....Applicants

By Adv: Sri A. Srivastava

V E R S U S

1. Union of India through Secretary,
Ministry of Defence.
2. The Controller General of Defence Accounts,
R.K. Puram, West Block VI,
New Delhi.
3. The Controller of Defence Accounts (Air Force),
107 Rajpur Road,
Dehradun.

.....Respondents.

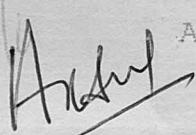
By Adv: Sri S. Singh

O R D E R

Sri A. Srivastava learned counsel for the applicant. Sri A. Dwivedi learned counsel for the respondents.

2. Applicant's counsel submits that the father of the applicant was serving as Hawaldar (Clerk) till 25.08.1991. He died on 25.08.1991 due to cancer.

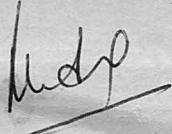
At the time of death, the applicant was only 8 years



old and therefore, could not be taken on employment being under age. A person eligible for appointment on compassionate grounds had to complete 18 years of the age and hence departmental authorities vide their letter dated 21.08.1997 directed the mother of the applicant to come up with a request for compassionate appointment of her son Sri Nitin Khan after he attained the age of 18 years alongwith necessary educational certificates.

3. Accordingly applicant's mother Smt. Vimla Khan (applicant No. 2) submitted an application-dated 26.05.1999 for appointment of her son before the authorities after the applicant No. 1 attained the age of 18 years. The respondents vide their letter dated 25.02.2000 intimated her that the case of compassionate appointment of her son Sri Nitin Khan was pending before the authorities and would be considered as and when the vacancies were available in their organization. Subsequently, the department vide their letter dated 09.02.2001 informed the applicant No. 2 that the case of Sri Nitin Khan for compassionate appointment was considered by the authorities, but the same was not found acceptable. Heard the learned counsel for the respondents.

4. After hearing both the sides I find that the impugned order of rejection of the case of the



applicant is clearly non-speaking. Looking to the facts and circumstance of the case, the request of the applicant merit consideration. The authorities are therefore directed to have a re-look in the matter and pass appropriate speaking order, duly supported by reason, in the matter.

4 The OA is disposed of with the above direction.

No cost.

Arvind
Member (A)

/pc/