

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No.427 of 2004.

Allahabad, this the 5th day of April, 2007.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman

1. Smt. Chanda Devi, aged about 50 years, wife of Late Sri Raj Bahadur.
2. Ravindra Kumar aged about 23 years, Son of Late Sri Raj Bahadur,

Both Resident of Village Matiyara Post Office
Bidnoo, District Kanpur Nagar.

...Applicants.

(By Advocate : Shri B.D. Shukla)

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Director, Defence Materials Establishment
D.M.S.R.D.E. Post Office G.T. Road, Kanpur Nagar.
3. Director General, Defence Research and Development
Organisation Sena Bhawan, Government of India, New Delhi.

...Respondents.


(By Advocate : Shri S. Singh)

ORDER

By Hon'ble Mr. Justice Khem Karan, V.C. :

The applicant has prayed that the order dated 4.7.2003 passed by respondent No.2, be quashed and respondent No.2 be directed to consider his case for compassionate appointment on any post, in accordance with his qualification.

2. The applicant No.2, claims himself son of Late Shri Raj Bahadur, who died on 2.7.1995 while in service of the respondents, leaving behind him, his wife, two sons (including the applicant No.2) and one minor daughter. Applicant No.2 applied for compassionate appointment but the respondents have rejected his claim by impugned order



dated 4.7.2003. The said order is being challenged on the ground inter-alia that it is almost non-speaking, and no grounds for rejection are disclosed therein.

3. The respondents have filed reply contesting the claim of the applicant.

4. On the date, when Raj Bahadur died on 2.7.1995, the applicant was just 14 years of age and when he attained the age of majority, only then he applied for compassionate appointment. The Tribunal is of the view that authorities should not have rejected the claim solely on the ground that such appointment has not been made within one year of the death. It should have been considered as to whether the financial condition of the family is sound or unsound and as to whether the applicant's case was otherwise fit for such appointment. But the rejection on the sole ground that request for compassionate appointment had come after expiry of one year of the death, does not appear to be tenable. The said order is quashed with direction to respondent No.2 to ensure that the case of the applicant is re-considered again in accordance with the relevant guidelines/orders on the subject and the result communicated to him within a period of six months from the date a copy of the order is produced before him. No order as to costs.

[Signature]
05.4.07

Vice-Chairman

RKM/