

(11)

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 26TH day of MAY, 2008.

HON'BLE MR. N.D. DAYAL, MEMBER- A

ORIGINAL APPLICATION NO. 1512 OF 2005

1. Smt. Vimla Devi, a/a 56 years,
wife of Late Raj Bali Singh.
2. Vijay Singh, a/a 24 years years.
S/o Late Raj Bali Singh,

Both resident of House No. 26/ 108, Roti Godam,
Guru Prasad Ka Hata, Pheelkhana, Kanpur Nagar.

.....Applicant.

VE R S U S

1. Union of India through the Secretary,
M/o Defence, Govt. of India, New Delhi.
2. Director General of Research and Development,
Directorate (PERS-9), Defence Research and
Development Organization (DRDO), Govt. of India,
M/o Defence, B- Wing, Sena Bhawan, DHQ PO,
New Delhi- 100011.
3. The Director, DMSRDE, M/o Defence,
Govt. of India, G.T. Road, Kanpur Nagar.

.....Respondents

Present for the Applicant:
Present for the Respondents :

Sri M.K. Upadhyaya
Sri Saumitra Singh

ORDER

Learned counsel for the applicant says that by O.A No. 513/04, this Tribunal had directed the respondents to keep in view various aspect of the family of the applicant such as the presence of an earning member. financial condition and size of

the family, liabilities such age of the children and married/unmarried daughters and convey the decision taken to the applicant.

2. The respondents by letter dated 25.10.2004 (Annexure A-1 to the O.A) taking into account the details of family, monetary benefits received and level of poverty of the family as well as case laws in this regard considered the case of the applicants and ^{found} ~~and~~ the request of the applicant vis-à-vis others not more deserving for appointment under fixed quota of 5% on compassionate grounds.

3. Learned counsel for the applicant submits that there are instructions of Ministry of Defence, which require^{or} consideration of cases of compassionate appointment ~~for~~ more than one occasion on the basis of prescribed procedure on the basis of inter se merit between the candidates. Therefore, reconsideration of the applicants' case in accordance with those instruction is prayed for. It is also pointed out that in case D.O.P.T instructions are being followed, the order dated 05.05.2003, which were issued before the impugned order was passed, may also be taken in to consideration by the respondents as these orders also envisaged consideration of appointment on compassionate grounds for more than one occasion in deserving cases.

4. Learned counsel for the respondents submits that the impugned order is a speaking and reasoned order and covers

not only the factual aspects but also settled law. However, learned counsel for the applicant submits that the details, which were taken in to account do not reflect the actual position as the son is unmarried and the family lives on rent in a very modest accommodation.

5. In view of the above, learned counsel for the applicant is given liberty to approach the respondents with a representation indicating the particulars mentioned by him before court today enclosing therewith a copy of this O.A as well as certified copy of this order within a period of 15 days from the date of receipt of copy of ^{the} order. Upon receipt of the same, the respondents shall reconsider the case of the applicants for appointment on compassionate grounds in the light of points raised in the representation as well as the grounds taken in this O.A and keeping in view the order of DOPT as well as Ministry of Defence on the subject in the next Board's meeting, as and when held, preferably within six months, from the date of receipt of the representation of the applicant and inform the applicant of the decision taken.

With the above direction the O.A is disposed of ~~finally~~ with no order as to costs.



MEMBER- A.

/Anand/