

**Open Court**

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH**  
**ALLAHABAD.**

Allahabad this Friday, the **23<sup>rd</sup>** day of **July**, 2021

**Original Application No.330/849/2019**

**Hon'ble Mr. Tarun Shridhar, Member (A)**

Shiv Pujan Patel, S/o Late Moti Lal, Ex-MPA,  
 Resident of Village Meerapur,  
 Post Fatehpur Ghat,  
 District-Allahabad (U.P.)-212208.

. . .Applicant

By Adv : Shri Anil Kumar Singh  
 Shri M.K. Upadhyay

**V E R S U S**

1. Union of India through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. Chief Engineer, Head Quarter, Central Command, Lucknow.
3. Head Quarter, Commander Works Engineer, Air Force, Chakeri, Kanpur-08.
4. Head Quarter, Commander Works Engineer (Air Force), Military Engineer Services, Bamrauli, Allahabad-211012.
5. Assistant Garrison Engineer (Independent), Military Engineer Services C/o 24 ED, Air Force Station, Manauri, Allahabad.

. . .Respondents

By Adv: Shri Arvind Singh.



**ORDER**

**By Hon'ble Mr. Tarun Shridhar, Member (Administrative)**

1. I have joined this Bench online through video conferencing facility.

2. Shri Anil Kumar Singh, alongwith Shri M.K. Upadhyay, learned counsel for the applicant and Shri Arvind Singh, learned counsel for the respondents, both are present in court.

3. Briefly stated the applicant had submitted an application for appointment on compassionate grounds as his father who was an employee with the respondents died in harness. However, on consideration of the application of the applicant he was ~~not~~ found to be below the bench mark and hence his case was not approved. Learned counsel for the applicant argues that there are clearly laid down instructions for awarding marks on different criterion for evaluating the relative merit of the various candidates for appointment on compassionate grounds. He points out that in terms of the factual circumstances of the applicant he should have been awarded much higher marks as he and his other family members were fully dependent upon their deceased father and the instructions clearly laid down that the marks will be awarded in proportion to the number of the present dependents of the deceased.



4. Prima facie it appears that there is a difference in perception as to how many marks the applicant should have been awarded and the marks actually awarded to him by the respondents' authorities. However, it is not for the Tribunal to go into this calculation. This matter came to be reconsidered by the respondents on more than two occasions but the result was the same i.e. the applicant was not considered to be meeting the benchmark.

5. Learned counsel for the applicant points out that the initial mistake committed while awarding the marks kept getting repeated and he would be satisfied if the respondents were to reconsider his contention and the marks are strictly awarded in terms of the guidelines of the respondents themselves and thereafter a decision is taken whether he meets the requirements or not.

6. Learned counsel for the respondents points out that the matter is very old and perhaps the applicant now does not satisfy the other requirements of a compassionate appointment, having tided over the financial difficulty he may have been.

7. However, since the matter has a protracted history of repeated consideration, even though it is very old it may not be fair to now summarily dismiss it without taking it to a logical conclusion.


8. Accordingly, in my view it will be in the interest of justice to dispose of this O.A. with a direction to the respondents to consider the

basic grievance of the applicant that he has been awarded less marks than he was deserving of and this awarding of marks has been contrary to the guidelines governing the subject and these are the guidelines of the respondents organization themselves, the matter deserves a review.

9. Accordingly, a direction is issued to the respondents to reconsider the matter in the light of these circumstances, and re-evaluate the position of the applicant in comparison with other candidates for appointment on compassionate ground. It will be in the interest of the applicant to furnish all appropriate and latest documents to support his case, the applicant is allowed a time of four weeks to submit these requisite documents and the respondents are further allowed a time of six weeks to take a decision thereof.

10. The O.A. is disposed of with the above directions.

11. There shall be no order as to costs.

  
(**Tarun Shridhar**)  
Member (A)

/Neelam/