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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH - ALLAHABAD.

T.A. 101 of 1987.

Nachke..... Applicant.

Versus

The Union of India & others..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava-V.C.  
Hon'ble Mr. K. Obayya -A.M.

(By Hon'ble Mr. Justice U.C. Srivastava-V.C.)

As the applicant has failed to get an appointment on compassionate ground in place of his father who died while in service. The applicant filed a suit in the court of Munsif (West) Allahabad praying that it may be declared that the applicant is entitled to compassionate appointment in place of his father and that a mandatory injunction be issued directing the respondents to appoint him in place of his father or any other suitable place. It appears that applicant's father who was Group Material labour, died while in service in the year 1965. At the time of the death of the applicant's father his age was 3 to 5 years. After attaining the majority he moved an application for compassionate appointment alongwith school Certificate, as required, He also registered in the Employment Exchange. The applicant's application was rejected and the respondent in the written statement justified the same on the ground that as he did not apply earlier and several years after the death, he could not have claimed the appointment and further it was only the facility and not a right and the applicant cannot claim the service as of right.

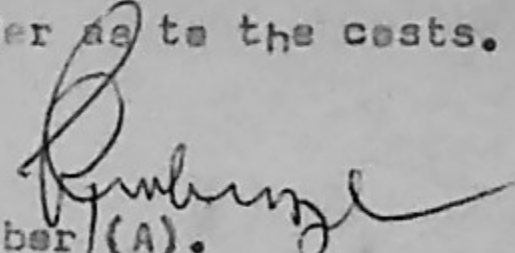
2. The applicant could not have applied during his minority and after attaining majority he could have applied for compassionate appointment, and it appears that the respondents did not take it into consideration their own G.O. in which a claim of compassionate appointment is considered three times. The applicant's case was not considered in the right perspective and it was rejected on the ground which was not germane to

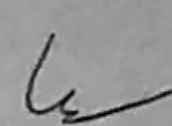
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the matter in issue. It appears that respondents are conscious more of their rights, than the rights which have been conferred upon a citizen in this welfare state. As a matter of fact the ~~xxx~~ compassionate appointment should be given and could have been given except when it was not possible to give the appointment in particular year because of the persons are waiting from before and having better cases. Accordingly this application is allowed and the respondents are directed to consider the claim of the applicant two times more for appointment, not necessarily on the post which was held by his father, but for any other suitable post for which he is fit and let first consideration be done within a period of three months. No order as to the costs.

  
Member (A).  
Dt: Nov. 4, 1992.  
(DPS)

  
Vice Chairman.