

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH,
ALIAHABAD.

O.A. No. 15 of 1992.

Pratiraksha Karamchari Sangh & Ravi Chaurasia
.....Applicants.

Versus

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

Hon'ble Mr. Justice U.C. Srivastava, V.C.

The applicant no.2, who claims compassionate appointment, has joined some Pratiraksha Karamchari Sangh- a self styled Union which wants a particular declaration which cannot be granted in these cases as it is confined to compassionate appointment claimed by him. Accordingly although permission was granted to the Union to join the application earlier but the name of the Union is deleted from the array of the party and thus this application is being treated as application on behalf of applicant No.2. As such the general reliefs, claimed by the union, will not be considered. This is a second inning before this tribunal. Earlier an application was also filed before this tribunal and vide order dated 6.8.90 the tribunal directed the respondent No.1 to consider and pass final orders on the petitioner's appeal dated 24.12.88 within a period of three months from the date of receipt of a copy of this judgment.

His representation was again decided by the Director General of Ordnance Services and not by the Government of India to whom a direction was given; meaning thereby the order, passed by this tribunal in this behalf, has not been complied with though, according to the respondents, the appeal was transferred to the Director General of India. There was no such direction by this tribunal that the appeal, filed by the

applicant, should be transferred to the Director General of India and of course the tribunal after taking into consideration that who will be the best person to decide the representation, issued the direction, the result of which appears to be that the order passed by this tribunal has not been complied with. The grievance of the applicant is that he, being the only son of his father who died in harness, was entitled to get appointment on compassionate ground for which an application was given by the mother also. According to the respondents the mother is in receipt of pension and there is some ancestral house in which they have got their share, the applicant is not to get compassionate appointment. That is not the ground for rejecting the compassionate appointment. It has further been stated that 4.5% seats are reserved for compassionate appointment and the Army Head Quarter has laid down its own guidelines and in the said guidelines, the applicant had received lesser points than those who had received more points for compassionate appointment; meaning thereby persons whose cases are considered to be worse than that of applicant, they have been given priority and preference in the matter of appointment.

24 Learned counsel for the applicant Shri Y. Mohammed contended that these guidelines are contradictory to the guidelines made by the Government of India and the Government of India has laid down its own guidelines. The Army Head Quarter should not have made its own guidelines. May be so, the Government of India has issued a general guidelines but that does not mean that a particular department should not lay down its own guidelines though at the same time it was also to look into the guidelines laid down by the Government of India. The guidelines which have been laid down

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giving compassionate appointment cannot be said to be unfair as it applies to each and every equally. But in the instant case, it appears, after taking into consideration the guidelines the tribunal directed that the representation shall be decided by the Government of India and a strong note should have been taken in the way in which the respondents have proceeded but one more opportunity is given and the respondent Union of India is directed to dispose of the representation dated 24.12.88 within a period of three months from the date of communication of this order. It will be open for the applicant to forward yet another copy of that representation, may be that the same will not be available, to the Union of India. In case, Union of India decides to give compassionate appointment to the applicant, the respondents will give effect to the same without resorting any other formula or guideline and it is expected that the case of the applicant will be considered with true and correct prospective for giving appointment in place of his father. With these observations, the application stands disposed of. No order as to costs.

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DATED : JANUARY 21, 1993.

VICE CHAIRMAN.

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