

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 597 of 1993

Allahabad this the 01st day of February, 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)

Dinesh Chand, 2/o Late Sri Shri Chand, R/o Badu Jai  
I Abbai, Near Anand Talkies, Shahjahanpur.

Applicant

By Advocates Shri S.D. Kautilya,  
Shri Dinesh Dwivedi.

Versus

1. Union of India through Ministry of Defence,  
Raksha Mantralaya, New Delhi.
2. The General Manager, Ordnance Factory, Shah-  
jahanpur (U.P.)

Respondents

By Advocate Shri Amit Sthalekar

QUEA (Oral)

By Hon'ble Mr. S.K.I. Naqvi, Member (J)

In this matter of 1993, no one is

appearing for the applicant for more than 1 year  
& during the period  
and the matter was taken up before the Bench on  
7 occasions, and, therefore, it has been decided  
finally  
to dispose the matter on the basis of the facts  
available on record. Shri Amit Sthalekar, learned  
counsel for the respondents participated during  
the arguments with the mention that counter-reply  
is ready with him right from the date when it was  
sworned on 12.10.1993 but could not be filed as

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its copy could not be served upon the applicant or his counsel as they could not be located and no one represented the applicant at the time of hearing before the Court. The counter-reply is taken on record to better appreciate the real position in the matter.

2. In this matter, the applicant-

Shri Dinesh Chand has come up seeking the relief to direct the respondents to grant employment to the applicant on compassionate ground because his father Shri Shri Chand died in harness on 16.7.1988 who was the sole bread earner in the family and after his death, the family <sup>is</sup> in distress, as nobody to support and, therefore, the applicant be given employment on compassionate ground.

3. As per the respondents case, the applicant was selected for the post of Messenger Boy, as he was below 18 years at that time but due to non-availability of the vacancy of Messenger the applicant could not be given the employment, as such. These facts go to show that the claim of the applicant was accepted by the respondents and he was found fit person to be appointed on compassionate ground but this appointment could not be given for want of vacancy.

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4. With the above facts in view, I find it a fit matter to direct the respondents to consider the appointment of the applicant whenever vacancy, suitable for this appointment, accrues. The U.A. is disposed of accordingly. No order as to costs.

5. Registry is directed to send a copy of this order to the applicant.

*Scc: m.m.*

Judicial Member

/M.M./