

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad: Dated this 25th of April 2000

Original Application No. 444/95.

CORAM:

(Hon'ble Mr. S.K.I.NAQUI) J.M.

Nachkau s/o Raghunath, village-Sapahar

Post- Jasra, Dist.- Allahabad.

(By Adv. M.K.Upadhyay) Applicant

Vs.

1. Union of India, through the secretary,

Ministry of Defence Government of India,

New Delhi.

2. Commandant of Central ordnance Depot

Chheoki, Allahabad. Respondents.

(By Adv. A.Mohiley) ORDER (ORAL)

On having failed to get an appointment on compassionate

ground in place of his father who died while in service,
Judicial channel.

the applicant came up for redressal from the *law courses*

and in TA. NO. 101/1987 there was direction. Accordingly

this application is allowed and the respondents are

directed to consider the claim of the applicant 2 times

more for appointment not necessarily *leave* on the post

which was held by his father but for any other suitable

post for which he is fit and let first *consider* be

done within a period of 3 month¹. As per applicants

case the respondents did not do anything in pursuance of
this direction from the court and passed the impugned

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order (Annexure A.1) which is none speaking and not in accordance with court direction. Therefore he is again come up before the Tribunal for direction to the respondents to provided him with a job on compassionate ground and ~~twice in the~~ impugned order dated 3/5/1994 the copy of which has been annexed as annexure A.1.

Respondents have contested the case with the averments ~~him~~ written reply that the petitioner's case was consider after directions of the Tribunal by the board of officers held in May 1993 and again by the board of officers in October 1993 and in none of the reports petitioners name found placed in the merit list in view of more deserving candidates.

Heard learned counsel for the rival consisting parties and perused the record. The learned counsel for applicant has put much emphasis on the ground that ~~in~~ impugned order is none speaking order in which there is no mention of any action taken by the respondents in pursuance of court order. In reply to this argument Shri A shok Kumar Mohiley, learned counsel for respondents referred para 18 and 26 of the counter reply in which there is mention that the applicant's case was

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considered twice but he could not touch the merit
~~and his name was as~~ ^{hence} his name did not appear in the
 merit list.

The applicant has filed rejoinder affidavit
 in which there is no specific denial that no such
~~and~~ examination was held in May 1993, as the respondents
 have mentioned in Para ~~30~~ ¹⁸ of the counter reply in
 which the applicant is said to have secured 60
 marks and the candidates selected were of the range
 who ~~have~~ secured between 79 and 81 marks and
 therefore I am not inclined to ~~disbelieve~~ ^{accept} that the
consider that respondents ^{did not} consider the case of applicant
 for appointment on compassionate ground as ~~for~~ ^{for} per
 directions of the Tribunal in refer TA 101 of
^{and} 1987 decided on 4/11/1992 ~~on~~ thereby no merit
 in the case to issue direction as prayed for.
 O.A is dismissed accordingly.

No order as to costs.

S. M.

M.K

J.M