

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1230 of 2000

Allahabad this the 26th day of Jan 2003

Hon'ble Mr.A.K. Bhatnagar, Member (J)

Manoj Kumar Saxena, aged about 32 years, Son of Late Sri J.P. Saxena, Resident of B-2/69, World Bank Scheme, West of Shivaji Park, A.D.A. Colony, Naini, Allahabad Town.

Applicant

By Advocate Shri S.C. Srivastava

Versus

1. Union of India through Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. Director General, Ordnance Services, New Delhi.
3. Commandant Central Ordnance Depot, (C.O.D.), Chheoki, Naini, Allahabad.
4. Personal Officer to Commandant, C.O.D., Chheoki, Naini, Allahabad.

Respondents

By Advocate Shri Ratnakar Choudhary

O R D E R

By Hon'ble Mr.A.K. Bhatnagar, Member (J)

Under Section 19 of the Administrative Tribunals Act, 1985 this O.A. has been filed seeking the relief that the respondents be directed to consider the case of the applicant for compassionate

appointment. The applicant has also made a prayer that in case Group 'C' vacancies are not available, he may be allowed to serve in Group 'D' post.

2. The facts giving rise to this O.A. are that the father of the applicant Late J.P. Saxena died in harness on 17.05.97 while working as Senior Store Keeper (Group C) in Central Ordnance Depot, Cheoki, Naini, Allahabad. The deceased father of the applicant left behind him his widow, his widow sister, unmarried daughter aged about 24 years, son-the applicant aged about 32 years, daughter-in-law one school going son who died due to prolonged illness. As no source of livelihood was available due to sudden death of the breadearner, the applicant applied for the job on the prescribed format in the Office off C.O.D. Allahabad on 11.08.97. Getting no response he had applied again in January, 1999. By reply dated 03.04.99 his candidature for compassionate appointment was rejected considering him second time by the Board of Officers with the permission to submit the prescribed form again if he still needs the job. In pursuance of the reply, the applicant submitted a fresh application form in June, 1999. The applicant also submitted a representation on 24.06.99 explaining his pathetic position. The applicant ^{was} asked by the Personal Officer to the Commandant on 01.09.99 to give his willingness if he is agreed to accept the job in Group 'D' vacancy. The applicant gave the consent to accept the appointment in Group 'D' on 15.09.99. After receiving the negative answer on 02.12.99, the applicant had no option except to come to this Tribunal for his grievances.

3. The respondents have contested the case and filed the counter-affidavit. In the same, it is stated that due to other more deserving candidate and less number of vacancies, the applicant was not considered eligible for compassionate appointment. He was considered number of times but could not come in the list of deserving candidates. In this regard, the respondents have also made a chart specifically showing the position of the applicant. The terminal benefits amounting to Rs.3,27,003 claimed by the widow of the deceased, were given. It is further stated that the applicant's right was limited to due consideration of his case and claim as per the rules and the policy guide lines, and that case and claim has been duly considered by the respondents ^{per} as the relevant rules and the guide lines. The respondents have prayed for dismissal of the O.A.

4. I have heard the arguments advanced by the learned counsel for the parties and perused the pleadings on record.

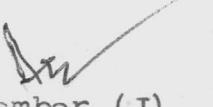
5. From the above facts, it is clear that the respondents have considered the applicant number of times for compassionate appointment, but he was not included in the panel of selected deserving candidate. The respondents have also made a statement that the widow of the deceased got handsome amount of Rs.3,77,003/- which applicant has not denied in his rejoinder. In my opinion, the respondents ^{have} done their job quite satisfactorily.

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6. In view of the facts and circumstances discussed above, I am of the view that the applicant is not entitled for any relief. The O.A. is dismissed with no order as to costs.


Member (J)

/M.M./