

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 177 of 2000

Allahabad this the 16th day of January, 2001

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

Jagat Narain, Son of Late Data Deen, resident of Village Rahimpur, Post Office Malwa Khurd, Allahabad.

Applicant

By Advocate Shri O.P. Sharma

Versus

1. The Union of India, through Secretary, The Ministry of Defence, New Delhi.
2. The Commandant, Central Ordnance Depot, Chheoki, Allahabad-2.

Respondents

By Advocate Shri Satish Chaturvedi

O R D E R (Oral)

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

Shri Data Deen while in the employment of respondents as Labour, died on 19.7.1995 leaving ^h his widow-Suggan Devi, elder son Rajendra Kumar and other son Jagat Narain, who is the applicant in this O.A. On the death of Shri Data Deen, his first son Rajendra Kumar moved for appointment on compassionate ground in the year 1997. His application was considered twice but, no appointment could be provided for want of vacancy and he was advised that he may be

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considered at his turn when vacancy is available. During the pendency of this matter, the widow of deceased Data Deen and the mother of Rajendra Kumar and applicant-Jagat Narain filed an affidavit to the effect that her younger son-Jagat Narain be considered in place of Rajendra Kumar, whose matter was pending. The applicant-Jagat Narain moved an application for compassionate appointment on 06.4.1999, copy of which has not been annexed. He asserts that he moved another application on the advise of respondents, but, copy of that second application, allegedly submitted, has also not been filed. As per applicant's case, the matter was twice considered in respect of his elder brother Rajendra Kumar and the matter of the applicant was also considered only for two times, whereas under the rules in this regard, it should have been considered for 3 times and, therefore, this O.A. has been filed with the prayer that the order passed on 02.12.1999 by respondent no.2 be quashed and the respondents be directed to appoint the applicant under dying in harness rules.

2. The respondents have contested the case and filed the counter-reply with the mention that the compassionate appointment could not be provided because of a long waiting list, the persons waiting their turn for appointment on compassionate ground and also on the ground that no vacancy was available to provide the appointment, as prayed for.

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3. Heard the learned counsel for the rival contesting parties and perused the record.

4-4. The relief sought on behalf of the applicant is that the order dated 02.12.1999 passed by respondent no.2 be quashed. Perusal of this impugned order dated 06.4.1999 goes to show that ^{applicant's} his case was considered by Board of Officers held on 16.2.1999 at C.O.D., Cheoki ^{for the} third time but, the same could not find its place in the merit in the face of more deserving candidates and limited number of vacancies and it has been advised that in case he needs employment, he could submit his fresh application so that the same could be considered by the Board of Officers. He has also been advised to mention the complete details and get his name registered in the Employment Exchange. In this impugned order, I do not find anything ^{which is} prejudicial to the claim of the applicant. His matter was still alive and he was advised to move another application. Under the circumstances, this relief cannot be granted.

5. So far as the second relief is concerned, the applicant ^{has} prayed to command the respondents to appoint the applicant under dying in harness rules in accordance with his qualification and eligibility. There is quite clear law as well as practice in this regard that the Courts are not expected to issuepg.4/-

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direction for appointment to a particular person on a particular post. At the most there could be ~~only~~^{re-} a direction to consider the candidature for any post to which the petitioner therein is held to be eligible and, therefore, this relief is also not available to the applicant.

6. For the above, the O.A. is dismissed being devoid of merit. No order as to costs.

Sel a - ag

Member (J)

/M.M./