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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 7th day of November 2000.

Original Application no. 596 of 2000.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Phool Chand Pal,  
S/o Late Moti Lal,  
R/o 179, Uttari Lokpur, Naini,  
Allahabad.

... Applicant

C/A Shri L.M. Singh

Versus

1. Union of India through the Secretary Ministry of Defence, Govt. of India, New Delhi
2. Chief Engineer, Engineering Branch, Army Head Quarter, A.H.Q. D.H.Q., P.O. Kashmiri House, New Delhi.
3. Chief Engineer, H.Q., Eastern Command, Engineering Branch, Fort William, Calcutta-21.
4. Garrison Engineer, 859 Engineering Works Section, C/o 99 APO.
5. Commander Works Engineer, (CWC) Tezpur.

... Respondents

C/Rs Shri S.C. Mishra

See

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O R D E R (Oral)

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

On death of Shri Moti Lal, who died in harness, Shri Phool Chand moved for compassionate appointment, <sup>when failed to get any order, he moved</sup> through OA 1039 of 1999 which was decided with the direction to respondents to decide the pending representation of the applicant.

2. The respondents processed the matter and decided the pending representation vide order dated 03.12.99 with mention therein that the application for compassionate appointment has been placed in the seniority list of Chief Engineer Eastern Command, Calcutta and seniority position of the applicant is at sl. no. 52. It has also been mentioned in the letter that the applicant would be intimated when his turn comes as per seniority.
3. The respondents have filed CA, in the light of referred letter dated 3.12.99.
4. Heard learned counsel for the rival contesting parties and perused the record.
5. The applicant is not satisfied with his placement at sl. no. 52 of the seniority list, but

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there is no specific mention as to <sup>at</sup> what sl no. he ought to be. He has also a grievance that his family circumstances have not been considered in the light of G.O. dated 18.7.89.

6. From the facts and circumstances of the case I do not find a fit matter to direct the respondents to deviate from the practice and rules and departmental direction in this regard. However, it is provided that the applicant be given due consideration, which <sup>may be</sup> is available to him as per departmental direction and he be not discriminated any <sup>way</sup> ~~where~~, against other claimant under this head.

7. The OA is decided accordingly with the above direction. No order as to costs.

*S. C. Anand*

Member-J

/pc/