

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 741 of 2000

this the 17th day of May 2002.

HON'BLE MS. MEERA CHHIBBER, MEMBER(J)

Raj Kumar Banafal, S/o late Ram Swaroop Banafal, R/o
Bangla No. 70/3 Bank Road, Agra.

Applicant.

By Advocate : Sri K.P.Singh.

Versus.

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Commandant, 509, Army Base Workshop, Agra.

Respondents.

By Advocate : Sri P. Mathur.

ORDER (ORAL)

By this O.A., the applicant has challenged the order dated 7.12.98 whereby the applicant has been informed by four line of the order that the case of the applicant has been considered by the Board of Officers and they have found not fit the case of the applicant for grant of appointment on compassionate grounds. The applicant has sought directions to the respondents to appoint the applicant as per his qualification and suitability of job at an early date on compassionate grounds according to law after setting aside the order dated 7.12.98, or any other direction which this Tribunal may deem fit and proper in the circumstances of the case.

2. Without going into the other details of the matter, I am satisfied that the order passed by the respondents are not sustainable in law as neither ^{any} reason for ~~any~~ assigned



rejecting the case of the applicant, nor it can be said to be a speaking and detailed order. The law in this regard is well settled that the court cannot give any direction to the respondents to appoint any-one on compassionate grounds, and has only a right of consideration, ^{must show} but the consideration of the application ~~with~~ application of mind. Any order which has been passed in a ~~stereotype~~ and in mechanical manner itself shows non-application of mind and can be termed as arbitrary. Therefore, this O.A. is allowed by quashing the order dated 7.12.98. However, the matter is remitted back to the respondents to consider the case of the applicant in the light of the representation and pass a reasoned and speaking order within a period of three months from the date of communication of this ^{order} ~~order~~ ^{here} under intimation to the applicant. It would be a liberty to the applicant to challenge the same if he still ~~feels~~ aggrieved with the above decision. There shall be no order as to costs.


MEMBER (J)

GIRISH/-