

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

...

ORIGINAL APPLICATION NO. 1263 of 2002.

this the 26th day of July'2004.

HON'BLE MR. JUSTICE S.R. SINGH, V.C.

Gopal Kumar, S/o late Sri Ram Chandra, R/o House No. 36,
Lalkurti Bazar, District Jhansi.

Applicant.

By Advocate : Sri W.A. Siddiqui.

Versus.

1. Union of India through Ministry of Defence,
New Delhi.
2. Chief Engineer, Lucknow zone, Lucknow.
3. Garrison Engineer, Jhansi.

Respondents.

By Advocate : Sri Saumitra Singh.

O R D E R

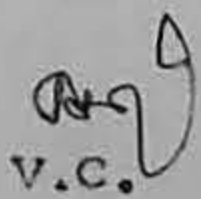
The impugned, herein, is the order dated 13.6.2002 whereby the applicant's claim for compassionate appointment has been rejected by Superintending Engineer on behalf of Chief Engineer.

2. The applicant's father namely Ram Chandra was well-man under the control of Garrison Engineer, M.E.S., Jhansi. The father of the applicant died in harness on 15.11.1999 leaving behind the applicant besides his younger brother, two younger sisters and widowed mother. It is not disputed that the compassionate appointment is offered against 5% vacancies and on consideration of comparative hardships of individual claimants. The order impugned, herein, does not indicate the basis on which comparative merit of candidates vis-a-vis the ~~case of the~~ applicant was considered for

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compassionate appointment by the Board of Officers. It was not enough to say that the applicant's case did not deserve employment assistance on compassionate grounds without disclosing the objective standard on which the Board of officers judged the respective claim² of the candidates for compassionate appointment. Apart from that, the respondents ^{were 2} ~~were~~ not justified in rejecting the applicant's claim for compassionate appointment merely because a period of two years and six months had passed after the death of his father. It is not in dispute that the ² ~~limitation period~~ ^{period of 2} for that purpose, is five years, hence it was not permissible to the respondents to hold that the need for immediate assistance by way of compassionate employment to tide over the emergency and crisis is lacking in the applicant's case as the death of his father ^{took place 2} ~~on~~ 15.11.1999 i.e. two years and six months ago.

3. In the circumstances, therefore, the impugned order ~~made~~, cannot be sustained. Accordingly the impugned order dated 13.6.2002 (Annexure A-11) is quashed and the matter is remitted back to the competent authority to re-consider the case of the applicant on the objective ² ~~standard~~ and take appropriate decision in the matter by passing a reasoned and speaking order, disclosing the merit of the applicant vis-a-vis others who were considered for compassionate appointment, within a period of three months from the date of receipt of copy of this order. parties are directed to bear their own costs.


V.C.

G.S.