

OPEN COURT

Central Administrative Tribunal
Allahabad Bench Allahabad.

Original Application No.1343 of 2002.

Allahabad this the 03rd day of June 2003.

HON'BLE MR.JUSTICE R.R.K.TRIVEDI, V.C.

1. Lailunnihar
Widow of late Abdul Kalam Khan
R/o 205D/2D, Kasari Masari Road,
Chakia, Allahabad.
2. Abdul Salam Khan
Son of late Abdul Kalam Khan,
R/o 205D/2D, Kasari Masari Road,
Chakia, Allahabad.

.....Applicants.

(By Advocate : Sri N.A. Khan)

Versus.

1. Union of India
through Ministry of Defence,
Government of India
New Delhi.
2. Principal C.D.A. (Pensions)
Allahabad.
3. Deputy Controller of Defence Accounts
(Administrative) office of Principal
C.D.A. (Pensions) Allahabad.

.....Respondents.

O_R_D_E_R

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for direction to respondents to provide the suitable job to applicant on compassionate ground and further to quash the impugned order dated 21.08.2002.

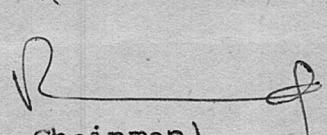
2. The facts of the case are that the father of applicant No.2 late Abdul Kalam Khan was serving as Senior Auditor in C.D.A (Pension), Allahabad. He died on 30.08.1999 leaving behind 9 dependents.



The prayer of the applicants for appointment on compassionate ground was considered and rejected by impugned order dated 21.08.2002. A Board of Officers consisting of one Chairman and two Members considered such claims and prepared a chart. According to this chart, applicant No. 2 ~~had~~ secured only 48% marks against 100. Thus on comparative study, the applicants could not be recommended for appointment on compassionate grounds ~~as~~ as there were more deserving cases who ~~had~~ secured 82, 67 and 58 marks. Learned counsel for the applicant has submitted that Board of Officers have not taken into account the number of minor dependents which according to learned counsel for the applicant were three.

3. Learned counsel for the respondents, however submitted that on own showing of the applicants only one dependent Sana Khan a minor daughter was aged about 14 years at the time of death, who also became major on the date of consideration of application. In the circumstances there is no error. I have seen in para 5 of the O.A. From which it is clear only one daughter was minor and if ~~this fact is~~ ^{the} condition was accepted, for the sake of argument, it cannot make any difference, ~~in the other cases~~ ^{fact that} In view of the other ~~or candidates~~ ^{cases} they were secured only 82, 67 and 58 marks.

4. In the circumstances, the order does not suffer from any illegality. The O.A. has no merit and accordingly dismissed.


(Vice-Chairman)

Manish/-