

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1032 OF 2002

ALLAHABAD, THIS THE 23rd DAY OF APRIL, 2003

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

Hari Sankar Vishwakarma,  
son of Brij Lal Vishwakarma,  
resident of 378 Baxi Khurd  
Post Daraganj Tahsil Sadar,  
District-Allahabad.

.....Applicant

By Advocate & Shri R. Tiwari

**V E R S U S**

1. Union of India through Secretary  
Ministry of Defence, Govt. of India,  
New Delhi.

2. The commandant,  
Ordnance Depot, Fort,  
Allahabad.

3. The Personnel Officer for Commandant,  
Ordnance Depot,  
Allahabad.

.....Respondents

.(By Advocate : Shri N.C. Tripathi)

**O R D E R**

By this O.A. applicant has claimed for a direction  
to respondents to appoint him on compassionate ground.

2. The facts of the case are that father of the applicant  
Late Brij Lal Vishwakarma was serving as Carpenter-Joiner  
under respondent No.2 in Ordnance Depot, Fort, Allahabad.  
He died on 10.03.1997 though he was due to retire on



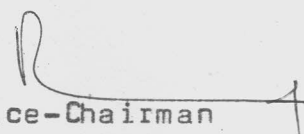
31.05.2003. The applicant applied for appointment on compassionate ground, which has been considered and rejected by order dated 28.08.2001 (Annexure-11). The order is addressed to the mother of the applicant, which shows that the claim of the applicant was third time considered by the Board of Officers in April 2001 at Head quarter, Central Command, but the same could not find its place in the merit in the face of more deserving cases and limited number of vacancies, hence the claim has been rejected.

3. Resisting the claim of the applicant, respondents have filed counter reply. From perusal of which it appears that the ~~normal~~ <sup>family</sup> pension is paid to the extent of Rs.2450/- <sup>extra which may be advisable and more than</sup> per-month with D.A., Rs.2.00 lacs was paid as terminal benefit, <sup>income</sup> and from other source <sup>of income</sup> of Rs.1200/- per month is also being received. In the circumstances, the view taken by the respondents cannot be said to be incorrect as per the procedure applicable. Under the Government order dated 03.12.1999 (Annexure-I with the CA) only limited number of vacancies are released for the purpose of giving compassionate appointment and the claims are considered on the basis of merit. The claim of the applicant has been considered thrice but he has not been found suitable in comparison to others.

4. Counsel for the applicant has submitted that death of the father of the applicant had taken place in 1997 hence the Govt. of India order dated 03.12.1999 could not be applied in this present case. However, <sup>24</sup> we do not

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find any merit in this O.A. The appointment on compassionate ground could not be claimed as a matter of right. It was only by way of help and could be refused, <sup>I suggest that</sup> if the circumstances, such help was not necessary. The claim of the applicant has been considered as according to the procedure applicable on the date of consideration. The application has no merit and is accordingly dismissed. No order as to costs.

  
Vice-Chairman

shukla/-