

(21)

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

PRESENT:

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A

Allahabad this the 19th day of December, 2008

ORIGINAL APPLICATION NO. 1039 OF 2002

Krishna Prasad, S/o late Pradeep Kumar, R/o 53/1
Newada, Circular Road, Allahabad

...Applicant.

By Advocate : Sri Ram Chandra.

Versus

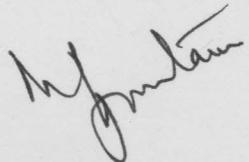
1. The Commandant Central Ordnance Depot, Chheoki, Allahabad.
2. The Director General of Ordnance Services, Govt. of India, Army Headquarters, DHQ PO, New Delhi.
3. Union of India, through Secretary Defence, Ministry of Defence, Sena Bhawan, New Delhi.

...Respondents.

By Advocate : Sri R.K. Srivastava

O R D E R

The father of the applicant working as 'Marker' in the office of Commandant, Central Ordnance Depot, Chheoki, Allahbad, died in harness on 19.12.2000 with about 15 years or residual service left. He left behind two sons aged about 21 years (applicant) and 17 years, unemployed and unmarried, one daughter aged about 14 years and his widow. The widow of the deceased submitted an application dated 27.1.2001 that the family of the deceased was in financial distress and sought for compassionate appointment for the applicant, who was 21 years of age. The respondent no.1 provided the set of prescribed proforma regarding employment of dependent of Government Servant dying while in service. The proforma was duly filled in and submitted vide letter dated 29-30.5.2001. Vide letter dated



22

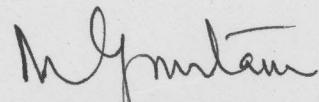
4.2.2002, the applicant was informed that his case was considered by the Board of Officers on 13.9.2001, but he could not be given appointment as number of posts were only four; whereas his position vis-à-vis other candidates was 21 out of 34. He was also informed that his case will be considered subsequently. Vide letter dated 19.3.2002, the respondent no.1 informed the applicant his case was again considered on 3.1.2002 by the Board of Officers, but again he could not be recommended for appointment as number of posts were only 4 and his position was 17 out of 32. Vide letter dated 14.6.2002 (impugned order) the applicant was informed that his case was considered for third time and rejected in the face of more deserving cases and limited number of vacancies. Being aggrieved by this letter, the applicant has filed the present O.A. and has sought for quashing of the impugned order dated 14.6.2002 and directions to the respondents to appoint him on any suitable post on compassionate grounds.

2. I have heard both the counsel and perused the records on file. It is clear that as per policy and existing Rules, the case of the applicant was taken up for consideration three times, but all three times his name could not be recommended for appointment as other cases were considered more deserving. The object of compassionate appointment is to provide immediate assistance to the family of the deceased Government servant in case there is no bread earner in the family. The financial condition of the applicant is to be assessed keeping in mind the family pension, terminal benefits, monthly income from property, number of dependents, number of unmarried daughters, number of minor children and left over service. In this particular case as per Counter Affidavit filed by the respondents the marking for the applicant in the first two instances

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placed him at sl. No. 21 and 17 respectively in the panel, that means in both instances candidates who were placed above him were found to be more deserving of financial help. The third and final (impugned order) does not state the position of the applicant in the panel, but mentions that other cases were more deserving. It is apparent that as per policy and Rules, the applicant was given due consideration, but in comparison to other candidates, he could not be given employment.

3. In view of the above, there is no need to interfere in the matter. The O.A. has no merit and is accordingly dismissed. No costs.



(Mrs. Manjulika Gautam)
Member-A

Girish/-