

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO.1327 OF 2003

ALLAHABAD THIS THE 10th DAY OF FEBRUARY, 2006

HON'BLE MR. K.B.S. RAJAN, MEMBER-J

1. Smt. Surasti Devi, W/o late Chandra Pal, R/o Village Sujatpur, Post Office Bamrauli, District Kaushambi.
2. Hari Krishna Bhartiya, S/o late Chandra Pal, R/o Village Sujatpur, Post Office Bamrauli, District Kaushambi.

.....Applicants

(By Advocate Shri D.P. Singh.)

V E R S U S

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. The Commandant, Ordnance Department Fort, District Allahabad.

.....Respondents

(By Advocate: Sri S. Singh.)

O R D E R

The applicant (no.2), who lost his father, a Government Servant, in 1986, had applied for compassionate appointment for Group 'C' post, but as his case was not recommended three times, his case was rejected. His application for considering him Group 'D' post was also rejected as according to the instructions a case cannot be considered for compassionate appointment more than three times.

2. The facts being admitted the same does not call for a detailed narration. The following is the brief list of dates necessary for adjudication of this case.

29.12.1996	Chandra Pal, a Government servant working as UDC in the office of the respondent no.2 expired.
10.6.98	Mrs. Chandra Pal applied for compassionate appointment for her son (applicant no.2) for a Group 'C' post.
7.3.2000	The case of the applicant was rejected.
25.8.2003	The applicant applied for a Group 'D' post instead of Group 'C'.
3.9.2003	The aforesaid application was rejected as according to the respondents the applicant's case was already considered three times for Group 'C' post.

3. The respondents have contested the O.A. According to them, the receipt of terminal benefits by the deceased of the family and less number of dependents coupled with limited percentage of quote for compassionate appointment resulted in the applicant's case not being found deserved for compassionate appointment. As far as consideration for Group 'D' post, the three times consideration stipulated in the instructions as contained in the impugned order was reiterated.

4. Arguments were heard and documents perused.

5. The applicant relies upon the case of Jagdish Ram Vs. CAT & Others reported in 2001 2 UPLBEC 1075.

6. Under the Rules, the individual does not enjoy a right to specify a particular Group ('C' or 'D')

or post and which ever is available shall be offered to the deserving candidate. As such, it is essential that all the applications both for Group 'C' and group 'D' should be considered simultaneously and if a case is found deserving and vacancy is available for Group 'D' post, offer should be made though the applicant would have applied for a Group 'C' post. It appears that this procedure was not adopted in the instant case. Perhaps, the applicant would have been found deserving for a Group 'D; post at the time when his case was considered for Group 'C'. As his case has not been examined, in the above fashion, the applicant in all fairness should be considered atleast once for group 'D; post for which he is now prepared to join in case an offer is made.

7. In view of the above, the O.A. is allowed to that extent that the respondents shall consider in the CRC meeting that may be convened in the near future, the case of the applicant alongwith others and if amongst them, he is found deserving, as per the norms prescribed, he shall be offered the appointment by relaxation of Rules relating to age. No costs.



MEMBER-J

GIRISH/-