

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 09th day of May, 2003.

Original Application No. 500 of 2003.

Hon'ble Mrs. Meera Chhibber, Member- J.

1. Smt. Asha Devi W/o Late M.L. Bhartiya
R/o 5/A, Umarpur, Neeva, Sulem Sarai,
Distt. Allahabad.
2. Veerendra Kumar S/o Late M.L. Bhartiya
R/o 5/A, Umarpur, Neeva, Sulem Sarai,
Distt. Allahabad.

.....Applicants

Counsel for the applicants :- Sri D.K. Pandey

V E R S U S

1. Union of India through the Secretary,
Defence, New Delhi.
2. Director General of Ordnance Services,
Master General of Ordnance Branch Army Head
Quarters, New Delhi.
3. Commandant, Central Ordnance Depot, Chheoki,
Naini, Allahabad.

.....Respondents

Counsel for the respondents :- Sri P. Krishna

O R D E R (oral)

By this O.A applicant has sought for quashing of the impugned order dated 21.03.2003 whereby their request for compassionate appointment has been rejected and has further sought direction to the respondents to consider the case of applicant No. 2 afresh for making appointment on compassionate grounds.

2. This O.A has been filed by Smt. Asha Devi W/o Late M.L. Bhartiya and her son Veerendra Kumar who have submitted that father of applicant No. 2 died on 13.08.2001

while he was working as Store Superintendent, COD, Chheoki, Naini, Allahabad. He was survived by his widow, two sons aged about 21 years and 19 years and one unmarried daughter aged about 17 years. They have submitted that they have no other source of income, therefore, applicant No. 1 submitted an application on 14.03.2002 for giving appointment to her younger son i.e. applicant No. 2 in the present case (Annexure-3). It is submitted that they belong to SC category and they have already submitted all the particulars including the members of family and financial condition with regard to movable and immovable property alongwith report given by the Tehsildar, Sadar, Allahabad but unfortunately the respondents have rejected their claim by the impugned order. Therefore, they have no other option but to file this O.A.

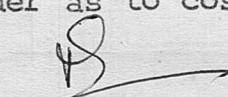
3. Grievance of the applicant is that even though he had requested the authorities to give him details of marks secured by other candidates but even that was not given to him. Applicants have not annexed the application submitted to the authorities. However, I have perused the order by which the request for compassionate appointment has been rejected which shows that his case has been considered by the Board of Officers three times but every time he was / below in the list prepared by the Board of Officers on basis of the marks obtained by the various candidates namely, the first time his name appeared at Sl. No. 29 out of 38 candidates whereas vacancies were only 04, second time his name appeared at Sl. 34 out of 44 candidates when the vacancies were only 04 and third time also name of the applicant appeared at Sl. No. 23 out of 31 candidates whereas only 04 vacancies were there again. Therefore, naturally he could not have been given



appointment in preference to those who were more deserving than ~~than~~ the applicant. Hon'ble Supreme Court has already held that limit of 5% vacancy cannot be altered or directed by the court to be relaxed. The respondents have a set formula under which they allot marks to the deceased family to see whether family is in indigent condition, keeping in view number of minor children and un-married daughters, source of income, whether they possess their own house and the amount received by them after deceased employee and number of years put in by the deceased employee. On the basis of marks obtained, merit list is prepared so naturally the most deserving candidates alone could have been given compassionate appointment. Since applicant was down below in the merit list he can't get the relief as claimed by him. Even otherwise, no body can claim compassionate appointment as a matter of right or as a line of succession. All that a person has is, right for consideration. Since the applicant's case has been considered thrice but he could not come within the limited number of vacancy, no direction can be given to the respondents to give appointment to the applicant.

4. In view of the above discussion, there is no merit in the O.A. The same is accordingly dismissed at the admission stage itself.

5. There shall be no order as to costs.



Member-J

/Anand/