

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
Allahabad Bench
Allahabad

Original Application No. 647 of 2003
Allahabad, this the 5th day of November, 2007.

Hon'ble Mr. P.K. Chatterji, Member-A

Yogesh Kumar Sharma
Aged about 26 years,
S/o Late Shri Nemi Shanker Sharma, F.G.M. HS-II
R/o 15, Mansorawar Colony,
Near Doretha No.1 Post Shahganj,
District- Agra-10.

...Applicant.

(By Advocate : Shri K.P. Singh)

Versus

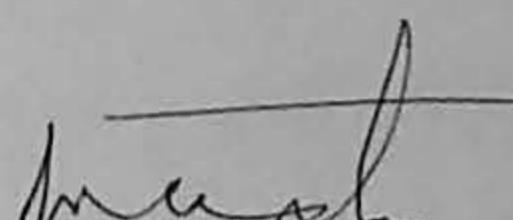
1. Union of India, through Secretary, Ministry of Defence, New Delhi.
2. Chief Engineer, Air Force, Bamrauli, Allahabad.
3. C.W.E., Maharajpur, Gwalior-20.
4. Garrosopm Emgommmer E/M, M.E.S., Kheria, Air Force Campus, Agra.

..Respondents.

(By Advocate : Shri S.P. Sharma)

O R D E R

Vide order of this Tribunal dated 19.7.2007, learned counsel for the respondents was directed to state before the Tribunal as to why the applicant's representation for compassionate appointment was decided in terms of the circular dated 9.3.2001 instead of the circular dated 13.6.1987. The representation of the applicant was made much before the issue of the circular dated 9.3.2001, which should has been considered as per the circular, which was enforce before 9.3.2001.



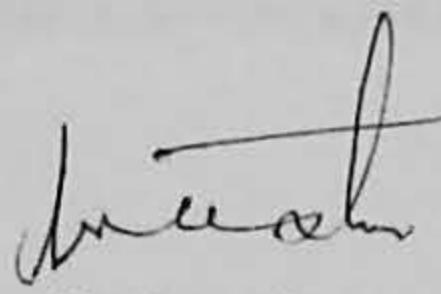
2. Learned counsel for the respondents has not come forward with any statement before the Tribunal today. I am of the view that this simple matter be not kept in pending in this Tribunal for want of necessary clarification. Therefore, I have heard the counsel for the applicant, although Shri S.P. Sharma, learned counsel for the respondents is not present. I am dispose of this OA as follows :

The matter which needs to be decided by this Tribunal simply is whether with regard to the request for compassionate appointment of the applicant the rules of 30.6.1987, should apply or the rules of 2001. Learned counsel further furnished two judgments of Jabalpur Bench in PA No.157/04 and 30/03 in which it was held that the rules which are enforce at the time of representation should prevail and apply. Even without taking any cue from these decisions it stands to reason and local and common sense that rules pertaining to the time when a representation is made should be applied in deciding the fate of the representation.

3. I have taken a look at the impugned order dated 20.7.2002, in which the respondents are given a speaking order by rejecting the representation of the applicant. It is stated that Boards of officers at the Headquarter considered the various aspects stipulated ID No.19 (4)/824-99/1998-D (Lab) dated 9.3.2001 and found that the case was not deserving enough on assessment of the relative merit various applications. Obviously the respondents did not apply the relevant rules. For this reason, the impugned order suffers from certain infirmity. The impugned order is, therefore, set-aside. Respondents are directed to consider the

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representation of the applicant afresh in terms of the rules of 30.6.1987 and all parameters laid down their under and take a decision as admissible under those guidelines and communicate the same to the applicant by a speaking order. This may be done within a period of four months from the date of receipt of copy of this order. No costs.



Member-A

RKM/