

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 894 OF 2003

ALLAHABAD THIS THE 11TH DAY OF FEBRUARY 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

1. Smt. Kamla Devi, aged about 55 years,
Widow of Late Shri Vidhya Bhushan Yadav
r/o Village - Isipur,
Post-Dhekahi, District-Pratapgarh,
Presently residing at House no.182/156,
Madhwapur, Distrcit- Allahabad.
2. Pramod Kumar yadav aged about of 21 years,
S/o Late Shri Vidhya Bhushan Yadav
r/o Village - Isipur,
Post-Dhekahi, District-Pratapgarh,
Presently residing at House no.182/156,
Madhwapur, Distrcit- Allahabad

.....Applicants

(By Advocate : Shri Rakesh Verma)

V E R S U S

1. Union of India through the Secretary,
Ministry of Defence,
New Delhi.
2. The Director General of Ordnance,
Services (OS-8C), Master General of Ordnance Branch,
Army Headquarters,
DHQ PO, New Delhi-110 011.
3. The Commandant,
Central Ordnance Depot, Chheoki,
Allahabad.

.....Respondents

(By Advocate: Shri V. K. Pandey - Absent)

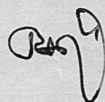
O R D E R

Heard Shri Rakesh Verma counsel for the applicant and
perused the pleadings.

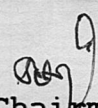


2. The applicants' case for compassionate appointment was considered by the Board of Officers in their meeting held at COD Agra on 25.06.2001 for the first time. Last selected candidate secured 62 marks whereas the applicant would secure only 48 marks and therefore, he could not be offered ^{re} compassionate appointment having regard to the number of vacancies then available. His case was again considered by the Board of Officers in their meeting held on 13.09.2001 at COD Agra. The number of vacancies was 4 for which total candidates seeking compassionate appointment were 23. Last candidate secured 55 marks where as the applicant would get 45 marks. Similarly on 3rd consideration by the Board of Officers in their meeting held on 22.02.2002 the applicant could not get enough marks to secure a position in order to get appointment against one of the considered vacancies then available. The last candidate had secured 55 marks whereas the applicant could get only 45 marks. According to the norms laid down in the Ministry of Defence Instructions ID No.19(4)/824-99/1998-D(Lab) dated 09.03.2001 a candidate seeking appointment is entitled for ^{consideration} only on three occasions and ~~after~~ ^{if} he fails to secure appointment, he has no right to consider again.

3. Shri Rakesh Verma counsel for the applicant further submits that the impugned order does not indicated that the applicants' case was considered on any objective standard. Submission made by learned



counsel for the applicant cannot be countenanced. In the impugned order itself the competent authority ^{has} ~~had~~ disclosed the marks allotted to the applicant on each of the 3 occasions when he was considered for compassionate appointment. In the counter affidavit, the respondents have clearly stated that the case of the applicants was considered strictly in accordance with the norms laid down in terms of Ministry of Defence instructions letter dated 09.03.2001. I find no illegality or arbitrariness in the decision taken by the respondents. The O.A. is ^{devoid} ~~lack~~ of merit accordingly dismissed. No order as to costs.


Vice- Chairman

Shukla/-