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**Open Court**

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

**Original Application No. 514 of 2006**

**Wednesday this the 21<sup>st</sup> day of November, 2007**

**Hon'ble Mr. K.S. Menon, Member (A)**

Kanhiya Lal S/o Late Sri Ram Dhani, R/o Nai Basti Fulwariya, Varanasi Cantt., Varanasi.

**Applicant**

**By Advocate Sri Dashrath Prasad**

**Versus**

1. Union of India through the Secretary, Ministry of Defence, D (Lab), New Delhi.
2. The Secretary Ministry of Defence Air Head Quarters Dte of PC (PC-5), Vayu Bhawan, New Delhi-110010.
3. The Commandant Head Quarter Center Air Command Indian Air Force, Bamrauli, Allahabad.
4. The Commandant 4 Air Force Selection Board, Varanasi Cantt., Varanasi.

**Respondents**

**By Advocate Sri Saumitra Singh**

**ORDER**

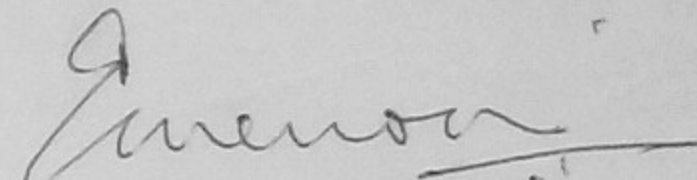
**By K.S. Menon, Member (A)**

This O.A. is preferred against the Order dated 15.11.2002 passed by respondent No.2 and which has been intimated by respondent No.2 annexing the same with the letter dated 11.04.2006. The impugned order dated 15.11.2002 at annexure-1 to the O.A. is illegible and typed copy of the same is also appears to be incomplete. However, the respondents in their counter have annexed as annexure CA-3 slightly more legible copy. The applicant's grievance is that despite his financial condition and liabilities that accrue on the death of his father, the respondents have not considered his case in accordance with the policy on the subject. The respondents on the other hand by their letter dated 15.11.2002 have communicated clearly that the applicant's case for compassionate appointment was considered during the quarter ending March, 2002, June, 2002, and September 2002 and on the basis of such

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consideration it was seen that the appointment under 5% direct recruitment quota earmarked for compassionate appointment in Group 'D' post was given to more deserving candidates. In the counter affidavit, at paragraph 3-D, it has been intimated that family was in receipt of terminal benefits of Rs.2,60,344/- and family pension of Rs.1825/- per month plus D.A. Further, the dependent family also owns a house consisting of two Kachcha Rooms which cost value in approximate is Rs.40,000/-. It is not clear that whether this was the sole reason for rejecting applicant's case or whether applicant's case has been considered in entirety in accordance with the O.M. of Department of Personnel and Training. The impugned order dated 15.11.2002, therefore, is not sustainable in the light of the above factors.

2. In the interest of justice, the respondents are directed to consider the applicant's claim in accordance with rules and policy on the subject and pass a reasoned and speaking order clearly indicating various points considered and why the applicant's case has been rejected. The above exercise shall be completed within a period of three months from the date of receipt of certified copy of this order. The O.A. stands disposed off accordingly. No costs.

  
**Member (A)**

/M.M./