

OPEN COURT

CENTRALL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 657 OF 2007

ALLAHABAD THIS THE 2ND DAY OF APRIL, 2009

HON'BLE MR.JUSTICE A.K.YOG, MEMBER-J

Km. Uma daughter of late Guru Prasad,
Resident of 210 Tula Ram Bagh, Daraganj,
Allahabad.

By Advocate: Shri A.S.Diwakar -----Applicant.

Versus

1. The Union of India
Through Secretary Defence,
New Delhi.
2. Chief Engineer Air Force, PIN 900137
C/o 56 A P O.
3. Garrison Engineer (AF)
Bamrauli, Allahabad.

By Advocate: Shri S.C.Mishra ----- Respondents.

ORDER

HON'BLE MR. JUSTICE A.K.YOG, MEMBER-J

Heard learned counsel for applicant Shri A.S. Diwakar,
Advocate.

2. Father of the applicant was an employee of respondents'
department. Unfortunately, he died form cancer on August 2001.
Applicant applied for compassionate appointment on 27.7.2004.

3. It is admitted case of the applicant that he passed High School
examination in 1987 and Intermediate in 1991. Applicant has failed
to show the reason that why he and his family members are in distress

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and/or the reason for belated application to seek compassionate appointment belatedly. Claim of the applicant for compassionate appointment was rejected under impugned order by concerned authority and decision was communicated to Ms. Uma/applicant by the order dated 30.06.2006 annexure XI .

Para 5 and 6 of the said impugned order read :-

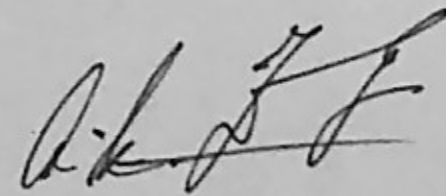
5. *"Your name for compassionate appointment as LDC was screened by a board of officers quarterly for last two years and finally held for QE Jun 2005 held on 01 Sep 2005 taking into account all the applications received upto 30 Jun 2005 bu you did not come up in the merit list for appointment as LDC due to non availability of sufficient vacancies released from CE Central Command Lucknow under 5% quota of direct recruitment vacancy.*
 6. *Therefore, after due circumstances and consideration in the light of the enclosed guideline of DOP & T and various judgments of the Hon'ble Supreme Court and that the appointment on compassionate grounds is not a matter of right and after a balanced are objective assessment of the totality of the circumstances of the case including the decision the Board of Officer at this HQ, the competent authority has rejected the employment assistance to Miss Uma D/o Late Guru Prasad on compassionate grounds due to non availability of sufficient vacancy within 5% quota."*
4. Impugned order contains good reasons and no infirmity is pointed out by the learned counsel for the Applicant.
 5. Learned Counsel for the applicant has finally placed reliance upon this Tribunal's Order dated May 27, 2004 in OA No. 964/03.
 6. Relevant para 6 of the said order reads :

"We are only concerned with whether the case of person concerned, has been considered properly or not. Since respondents have not given any details either in the impugned order or in the C.A as to how the case of the applicant was

considered and what is the basis for saying that his case was less meritorious than others, I do not think that impugned order can be sustained. The impugned order, in these circumstance, is quashed and set aside. The matter is remitted back to the authorities with a direction to re-consider the case of the applicant in accordance with the parameters laid down by various guidelines issued by Government of India on the subject and then to pass a reasoned and speaking order in accordance with law within period of three months from the date of receipt of a copy of this order under intimation to the applicant."

7. As already observed, no material is brought on record to show that the observation/s made in impugned order/s otherwise incorrect. Facts of the case of Umesh Kumar vs. Union of India & Ors. are clearly distinguishable.

8. I found no merit in the O.A. and it is accordingly disposed of.
No order as to cost.



Judicial Member

Sh/-