

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
BENCH ALLAHABAD**

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(THIS THE 14<sup>th</sup> DAY OF May, 2010)

**Hon'ble Mr. A.K. Gaur, Member (J)**

**Original Application No.706 of 2007**  
(U/S 19, Administrative Tribunal Act, 1985)

Fasahat Ali Khan S/o Late MES/435830 SA Khan, R/o Mohalla: Thotar,  
masjid Khojey Wali, Rampur.

..... Applicant

**Present for Applicant :**      **Shri K.S. Rathore**  
   **Shri M. Singh**

*Versus*

1. Union of India through Secretary Ministry of Defence, New Delhi.
2. The Chief Engineer (MES), Bareilly Zone, Bareilly Cantt. Bareilly Zone, Bareilly Cantt.
3. Sri M.L.Bansal, The Chief Engineer (MES), Bareilly Zone, Bareilly Cantt.
4. The Board of Officers, HQ Bareilly Zone, Bareilly Cantt.

..... Respondents

**Present for Respondents :**      **Shri D.N. Mishra**

**ORDER**

**(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)**

Sri B.N. Singh brief holder of Sri M. Singh, learned counsel for the applicant submitted that in pursuance of the order and direction of the Hon'ble High Court the Competent Authority has passed an order dated 03.05.2007 and rejected the claim of the applicant for appointment as LDC.

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2. Learned counsel for the applicant would contend that he has already made an application for considering his case for Compassionate Appointment on Group C and Group D Post and in Para No.2-H of letter dated 14.01.2005 issued by H.Q., Bareilly Zone, it is, clearly stated that other related documents containing full details of applicant seeking compassionate appointment either in Group C or Group D post as applicable have not been provided by him and as such his case could not be considered by the Quarterly Board of officers.

3. The sole grievance of the applicant is that his case for appointment on compassionate ground in Group D post has not at all been considered. Learned counsel for the applicant submitted that a direction may be given to the Competent Authority to consider his case in accordance with the provisions of Rule in Group D post also. The Competent Authority has only considered his case for appointment on compassionate ground for the post of LDC.

4. Having heard learned counsel for the applicant and Sri D.N. Mishra, learned counsel for the respondents, I hereby direct the competent authority to consider the case of the applicant for appointment on compassionate ground provided applicant prefers representation within a period of two weeks from the date of receipt of certified copy of this order. If such representation is received by the Competent Authority the same shall be considered and disposed of in accordance with the provisions of Rule for considering the claim of the applicant for appointment in Group D Post and communicate the decision to the applicant within a period of three months.

5. With the aforesaid directions the O.A. is disposed of with no order as to costs.

*Anil Kumar*  
Member-J

Sushil