

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH : JODHPUR

Date of order : 23.04.1999

O.A. No. 151/1998

Anil Rankawat son of late Shri Shiv Kumar Rankawat r/o. Bhistiyo-Ka-Bas, Patel Chowk, Jodhpur - Office address : Late Shri Shiv Kumar Rankawat, Senior Electrician, HS/I, M.E.S., Jodhpur.

... Applicant.

v e r s u s

1. Union of India through the Secretary, Ministry of Defence, Secretariat, New Delhi.
2. The Chief Engineer, Army Headquarter, Jaipur Zone, Power House Road, Bani Park, Jaipur.
3. Commander Works Engineer (Army), Multan Lines, Jodhpur.
4. Garrison Engineer (Army), M.E.S., Jodhpur.

... Respondents.

Mr. Vinay Jain, Counsel for the applicant.

Mr. B.S. Rathore, Counsel for the respondent No. 3.

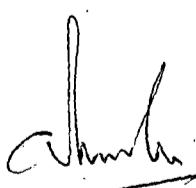
None present for the respondents Nos. 1, 2 and 4.

CORAM:

Hon'ble Mr. N.P. Nawani, Administrative Member.

BY THE COURT:

The applicant had applied for the post of Mazdoor under the provisions of death and harness in respect of his father, Shri Shiv Kumar Rankawat, who was working on the post of Senior Electrician HS-1 at Garrison Engineer (Army), MES, Jodhpur, and expired on 30.12.94 while in service. It has been mentioned on behalf of the applicant that unless a job is given to the applicant for which the wife of the deceased is also agreeable, the family will be put into serious financial difficulties. After considering the application, the respondents vide their letter dated 9.1.98 (Annexure A/1) intimated that his name has not been considered and in case he



(7)

requires reconsideration as and when vacancy arises, he can apply. Thereafter, the applicant submitted a demand of justice notice on 11.2.98 (Annexure A/12) in which he drew the attention of the respondents towards the long delay in the case in spite of vacancy being very much available. In reply to the notice, the respondents replied vide letter dated 5.3.98 (Annexure A/14) that a large number of cases for compassionate appointment are pending and the applicant's case could not be considered for want of more vacancies.

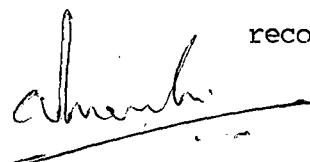
2. In their reply, the respondents have mentioned that the case of the applicant was considered for compassionate appointment alongwith 38 others against 13 vacancies available for Mazdoor for the year 1996 and a merit list was drawn. However, because of lower placing in the merit list, the applicant could not be offered an appointment. In view of this, the applicant was asked whether he was interested for being considered in future as and when vacancy arises. The applicant's case was considered again alongwith others, but for want of vacancy he could not be offered appointment.

3. The applicant has filed an additional affidavit in which he had specifically brought out two cases where the death of the employees had taken place after the death of the applicant's father and in both these cases, appointments have been given on the post of mazdoors. In the case of one Shri Bhiyaram (who died in 1995), compassionate appointment has been given to his wife in February, 1998, and in the other case, Shri Banshi expired in 1996 and his dependent was given appointment in March, 1998.

4. I have heard the learned counsel for the applicant and the respondent No. 3 and have also gone through the records.

5. There appears no ground to disbelieve that certain offers have been made to the dependents in cases where an employee had expired after the death of the applicant's father. It is also clear that his case <sup>has</sup> been delayed. I am not going into the question whether in the intervening period, the vacancies relatable to compassionate appointments were filled up on the basis of longest waiting for whatever other considerations.

6. In view of the above, the respondents are directed to reconsider the case of the applicant for appointment on



compassionate grounds, to the post of Mazdoor as and when first such post is vacant.

7. The O.A. is accordingly disposed of at the stage of admission. No order as to costs.

*Chawla*

( N.P. NAWANI )  
Adm. Member

CVR.

Copy of order

sent to Det & Course  
for recg (B.S. Pathan sub)  
by Regd As  
Wala 1940/115  
det 4-5-99

W  
9/5/99

Part II and III destroyed  
in my presence on 9/5/99  
under the supervision of  
section officer (Record) as per  
order dated 6/5/99

Section officer (Record)

8/5/99 Det  
attached to Det  
in third  
set  
6/5/99