

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

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## ORDER SHEET

Original APPLICATION NO. 156 OF 2001  
 Applicant(s) Bhanwar Singh Respondent(s) U.O. & Regt  
 Advocate for Applicant(s) Mr. Y.K. Sharma Advocate for Respondent(s)

Notes of the Registry	Orders of the Tribunal
	<p><u>11-07-2001</u> Mr. Y.K. Sharma, Counsel for applicant</p> <p>Register Put up in Court for admission on <u>13-07-2001</u></p> <p><i>[Signature]</i>                  Dy REGISTRAR                  C.A.T. JODHPUR</p> <p><u>13.7.2001</u></p> <p>Mr. Y.K.Sharma, Counsel for the applicant.</p> <p>Heard the learned counsel for the applicant and considered the present application.</p> <p>2. The applicant in this O.A. has challenged the action of the respondents on the ground of discrimination alleging that giving a discriminatory treatment to the applicant, the respondents have appointed Serv Shri Laxmi Narayan and Sarwan Lal on compassionate ground irrespective of the fact that their respective father died in harness much after the death of the applicant's father and thus, this is a case of discrimination and the respondents are required to be directed to give compassionate appointment to the applicant.</p> <p>On going through the file, I find that in the earlier O.A. of the applicant seeking direction for compassionate appointment against</p>

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the respondents it was observed that the applicant had not been able to bring on record that the respondents had appointed two persons on compassionate ground in preference to the applicant. It was also observed that the rejoinder said to have been presented in the court was not at all presented and, therefore, it was held that no case of discrimination has been proved. The respondents in that case were directed to adhere to the list enclosed to Annexure R/4 for offering appointment on compassionate ground to the enlisted candidates. Applicant's name appeared in that list at No. 9. Today, the learned counsel for the applicant has not been able to point-out that after <sup>the</sup> decision of that O.A. any person other than the enlisted candidate was appointed by the respondents. The ~~alleged~~ discriminatory appointments of two persons, as alleged in this O.A., were already in existence even during the pendency of the earlier O.A. which the applicant had failed to <sup>challenge and</sup> bring ~~on~~ <sup>them on</sup> record by either amending the O.A. or by way of rejoinder. In other words, the grievance of discrimination as is alleged today, was very much in existence even during the pendency of the earlier O.A. and that plea was rejected because there was no sufficient material on record. Therefore, the same ground cannot be taken by the applicant by filing a fresh O.A. In fact, the applicant had in the earlier O.A. by not bringing the fact of discriminatory appointment on record abandoned his plea in that regard and once such

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## ORDER SHEET

APPLICATION NO. 176 OF 2001

Applicant(s)

Respondent(s)

Advocate for  
Applicant(s)

Advocate for  
Respondent(s)

Notes of the Registry

Orders of the Tribunal

Copy Answer  
alongwith OA & its  
Annexure (to 38  
are sent to R1 to R4  
in 256  
to 259  
date 18-7-2001  
R11 OP4  
227  
23/5/2007  
AD R1 - 10/11/07  
Sgt R-1, 3 & 4  
& 20/11/07  
21/8

plea was abandoned earlier the same cannot be the subject matter of the second O.A. In view of this, the present O.A. is devoid of merits and deserves to be dismissed.

The O.A. is, therefore, dismissed in limine.

*A.K. Misra*

(A.K. Misra)  
Judl. Member

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Part II and III destroyed  
in my presence on 16.5.07  
under the supervision of  
section officer as per  
order dated 13/3/07  
*V. N. N.*  
Section officer (Record)