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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 107/2003

Date of decision: 30.4.2004

CORAM:

Hon'ble Mr. J. K. Kaushik, Judicial Member

Smt. Neeta Choudhary W/o Late Shri Jagdish Choudhary L.D.C. Income Tax Department, Jodhpur, age 34 years, residing at 10/24 Sohan Villa, Opp. Central Academy School, Chopasni Housing Board, Jodhpur.

...Applicant

Mr. Vinod Rajoria, counsel for the applicant

Versus

- (1) The Union of India through the Secretary, Central Board of Direct Taxes, Ministry of Finance, Department of Revenue, North Block, New Delhi.
- (2) Chief Commissioner of Income Tax (Cadre controlling authority), Rajasthan, New Central Revenues Building, Bhagwan Dass Road, Jaipur.

..... Respondents.

Mr. Vinit Mathur alongwith Mr. Mahendra Godara, counsel for the respondents.

ORDER

Smt. Neeta Choudhary has filed this Original Application for seeking a direction to the respondents to give her appointment on compassionate grounds.

2. The case was listed for admission. The pleadings were complete. With the consent of the parties the same was heard for final disposal and I have considered the pleadings and records of this case.



3. The admitted facts of the case are that the applicant is the widow of late Shri Jagdish Choudhary who was employed as L.D.C. in the Income Tax Department. Shri Jagdish Choudhary expired while in service on 02.09.1999. The applicant applied for consideration of her case for compassionate ground appointment. But the same has been turned down.

4. Both the learned counsel for the parties has reiterated their pleadings. The learned counsel for the respondents has been very fair and rendered a valuable help to the Tribunal in disposal of this case. He has invited my attention to a judgement in the identical matter delivered by a co-ordinate Bench of this Tribunal at Jaipur, on dated 10.12.2003 in O.A. No. **Rakesh Kumar vs. Union of India & ors.** The applicant therein is one of the candidate who was considered in the same selection where applicant's case has been considered. Smt. Keshri Devi was a party respondent who is the only candidate given appointment.

5. The aforesaid judgement is very exhaustive and covers up the whole controversy involved in the instant case on all fours. A copy of the same is placed on the records of this case. I am of the opinion that there is no need to repeat the discussions made therein. I can only assert that independent of the aforesaid authority, if I were to examine the case afresh, I



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would have reached to the same conclusion. Therefore, I have no hesitation to decide this case on similar lines.

6. The result is rather very unfortunate, but there is no option except to dismiss this Original Application and I do so but without any order as to costs.

J.K. Kaushik
(J.K. Kaushik)
Judicial Member

KUMAWAT