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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**JODHPUR BENCH, JODHPUR**

Date of Order : 29.08.2003.

O.A.No. 21/2003

Tejpal Son of Shri Madanlal Saini, aged 27 years, C/o Shri Narain Prasad Saini, Plot No. 8, Vyas Colony, Haripura, Jodhpur, Shri Madan Lal Saini, Ex. Mate, MES, Airforce, Jodhpur.

.....Applicant.  
Versus

1. Union of India through the Secretary to the Government, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Garrison Engineer, Air Force, Jodhpur.
3. Commander Works Engineer, Airforce, Jodhpur.

.....Respondents.

CORAM :

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

Mr. Vijay Mehta, counsel for the applicant.  
Mr. Vineet Mathur, counsel for the respondents.

ORDER

**BY THE COURT :**

Shri Tej Pal, has filed this Original Application for seeking a direction to the respondents to give appointment to him on compassionate grounds.

2. The case was listed for admission. The learned counsel for the applicant has pointed out that during the pendency of this case, the respondents have issued a letter dated 10<sup>th</sup> March,

2003 (Annexure R/1), filed along with the reply, wherein, the case of the applicant for appointment on compassionate grounds has been turned down and rejected. With the subsequent development in the case, the present Application is said to have become infructuous. He has also submitted that the applicant may be left free to assail the subsequent order by which the case of the applicant has been turned down.

On the other hand the learned counsel for the respondents has submitted that one has only a right of consideration for appointment on compassionate grounds and the case of the applicant has been considered and found not tenable, while he agrees to the contention of the learned counsel for the applicant that the O.A. has become infructuous, but he has reservation as regards granting liberty to the applicant keeping the matter open for further litigation.

3. I have considered the aforesaid submissions of the learned counsel for the parties. It is no doubt true that the order dated 10<sup>th</sup> March, 2003 at Annexure R/1 to the reply has been passed subsequent to the filing of the O.A.; probably after the receipt of the show cause notice of this very O.A. It is also true that the same could not have been challenged at the time of filing of the O.A. Now, the applicant is left with only two options i.e. either to amend the application or to file an another application challenging the subsequent order. If, applicant chooses the second option i.e. challenging the subsequent order passed by the respondents separately, no injustice is going to be caused to the respondents inasmuch as they would get due opportunity to

AB

Part II and III destroyed  
in my presence on 26.3.79  
under the supervision of  
section officer ( ) as per  
order dated 13/2/79

Section officer (Record)

Received  
H. W. Avery  
1/1/79

R. W. M.  
W.  
1/1/79