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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

**Original Application No.53/2003
Date of Decision : this the 20th day of January, 2004**

Hon'ble Mr. G.R. Patwardhan, Administrative Member

Bhupendra Singh S/o Late Sh. Mool Singh,
DES Resident of 146, Hanuman Hattha,
Distt. Bikaner, Rajasthan.

.....Applicant.

(By Advocate Mr. Kamal Dave, for applicant)

versus

1. The Union of India through
the Secretary, Ministry of Defence,
Raksha Bhawan, New Delhi.
2. The Chief Engineer,
Bhatinda Zone,
Bhatinda Military Station.
3. Head Quarter Chief Engineer,
Western Command, Chandimandir.
4. The Garrison Engineer,
M.E.S., Bikaner.

.....Respondents.

(By Advocate Mr. Kuldeep Mathur, for respondents)

**ORDER
[ORAL]**

This is an application by Shri Bhupendra Singh S/o Late Shri Mool Singh, seeking intervention of this Tribunal in securing appointment under the respondents - Ministry of Defence and the Chief Engineer, Bhatinda Zone, on the ground of compassion; his father Shri Mool Singh, having died while in service.

2. Things which are not in dispute, may be stated first.
Petitioner's father died while serving under the respondents at

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Bikaner in August 1980 and as the petitioner was only eleven months old at that time, even when he got the minimum academic eligibility in 1995 and applied for compassionate appointment; he was advised by the respondents to apply on attaining majority. This was on 27.7.1995 (Annex.A/3). The petitioner therefore, in 1997 applied for a job and reminded the authorities regularly thereafter, till he got some assurance through a letter from the respondents in the year 2002 whereby he was informed that his name exists in the Mazdoor category and that a decision would be taken on the same at the appropriate time (Annex.A/8).

3. Reply to the petition and a rejoinder to that, has also been filed. While the case of the petitioner has been opposed by the defendants on various grounds, the rejoinder to the reply has a Annex. A/9, which is a copy of D.O. letter written to a retired General, a well wisher of the petitioner, by the Additional Director General- Engineers in November 1999 indicating that petitioner's name has been kept on the waiting list at Sl.No.9.



4. The learned advocates for both the parties have been heard. They have reiterated what is contained in the pleadings and in addition, the learned counsel for the respondents has also expressed the difficulties in considering of cases of many such job seekers due to the different restrictions imposed on making new appointments.

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5. The position as revealed from the pleadings is that the petitioner has been given information about the time when he should apply again i.e. after attaining majority and also through his well wisher that there is a waiting list in the matter and that his position in the same is at Sl. No. 9. All this perhaps only goes to show that the respondents have been sincerely trying to accommodate the petitioner for compassionate appointment. There has to be a logical end to this exercise and so if the petitioner's name stood at Sl. No. 9 in the year 1999, it is also likely that by this time, the list has moved up and compassionate appointments have been made. With this in back ground, this O.A. is disposed of at the admission stage itself with a direction to the respondents to act on their waiting list and take it to its logical conclusion in so far as the petitioner is concerned. No order as to costs.

PRO

(G.R.Patwardhan)
Adm.Member

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