

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

ORIGINAL APPLICATION NO. 66/2003

Date of decision: this the 12th day of February, 2004

**Hon'ble Mr. J K Kaushik, Judicial Member
Hon'ble Mr. M.K. Misra, Administrative Member**

Veera Ram son of Shri Shera Ram Meghwal, aged 22 years,
Village Dunda, District Barmer,

Deceased Father Shri Shera Ram Ex-Mazdoor 19 FAD
Jodhpur.

.....Applicant

(By Advocate Mr. Vijay Mehta, for applicant)

versus

- (1) Union of India through
the Secretary to the Government,
Ministry of Defence, Raksha Bhawan,
New Delhi.
- (2) Hq. Southern Command,
Pune.
- (3) Commandant 19 FAD,
Jodhpur.

.....Respondents.

(By Advocate Mr. Vinit Mathur, for respondents)

ORDER

BY J K KAUSHIK, JUDICIAL MEMBER:

Shri Veera Ram has endeavoured to undertake a second
journey to this Tribunal in the same matter and has prayed for
quashing the order dated 13th January 2003 (Annexure A/1)
whereby his claim for appointment on compassionate grounds
has been turned down after re-consideration in pursuance with



the order of this Tribunal in the earlier case i.e. Original Application No. 342/2001 (Annexure A/5).

2. We have heard the learned counsel for the parties and have carefully perused the records of this case. Both the learned counsel have consented for its final disposal at the admission stage.

3. The undisputed facts of this case are that the applicant is the son of a deceased Govt. servant Shri Shera Ram who was employed on the post of Mazdoor under Respondent No. 3. Shri Shera Ram expired while in service on 25.10.1989 and was survived with three minor sons and four daughters out of which one daughter is unmarried and minor besides his widow. The case of the applicant was considered and in the previous Original Application it was found that there was mistake in assigning the marks in as much as instead of giving 10 marks only 5 marks was assigned in respect of the category of dependents. The respondents have carried out the review and added 10 marks in his merit and thus he got 68 marks in total.

4. The learned counsel for the applicant has tried us to persuade on certain issues, which was already settled at earlier occasions. He also pointed out that the applicant belongs to reserved category and certain provisions have been made for grant of relaxations. But it has not been found expedient for the respondents to extend such benefits to the applicant. He has also contended that all the dependent family members have not been taken into account and the respondents have only taken

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into account the dependents family members as are mentioned in the service book of the applicant's father i.e. deceased Govt. servant. They are also required to be given personal hearing but nothing as such has been done.

5. On the contrary, the learned counsel for the respondents has submitted that most of the issues were settled at the last occasion and only 10 marks were to be added and review was required to be carried out which the respondents have very sincerely carried out and the records of the same has been placed along with paper book. The applicant got 68 marks in the merit and the persons who has been selected has got 73 marks. Thus, the applicant could not get a birth because of his low merit. He has also asserted that none of the candidate seeking appointment for compassionate grounds having lesser marks than that of the applicant has been recommended. Thus, there is no arbitrariness or illegality in the action of the respondents and the Original Application deserves to be dismissed.

6. We have considered the rival contentions raised on behalf of the parties. As regards the question of considering the candidature of the applicant against the SC/ST reservation, it is not a case where an advertisement has been issued for filling up posts reserved for SC/ST candidates. From the available records, it is difficult to ascertain as to whether the appointment at all is being made against the SC/ST reserved point. Thus, we are not persuaded with this submission of the learned counsel for the applicant, which perhaps has been introduced for the first



time in this Original Application. We are satisfied that the respondents have very fairly considered the case of the applicant and it has not been possible for them to give applicant, the appointment on compassionate grounds.

7. The result is rather very unfortunate but we have no option except to dismiss this Original Application and we do so accordingly. No order as to costs.



(M.K. Misra)
Administrative Member



(J.K. Kaushik)
Judicial Member

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