

I/15

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH JODHPUR

ORIGINAL APPLICATION NO. 103/2002
THIS THE 17TH DAY OF DEC'2003.

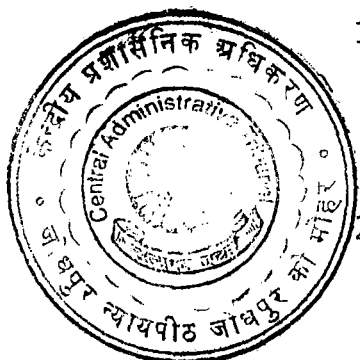
HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER
HON'BLE MR. G.R. PATWARDHAN, ADMINISTRATIVE MEMBER

Ladhu Singh S/o Shri (Late) Ganpat Singh
R/o Plot No. 151, Baggi Khana, Nehru Colony,
Ratanada, Jodhpur (Raj).

.....Applicant.

(Mr. Rajendra Singh Sekhawat, Adv. brief holder
for Mr. P.S. Bhati, for the applicant)

versus



1. The Union of India through the Secretary,
Ministry of Defence,
Government of India,
Raksha Bhawan, New Delhi.
2. The Engineer-in-Chief,
Army Headquarters, D.H.Q. Post,
Kashmir House, New Delhi.
3. The Chief Engineer,
Military Engineering Services,
Headquarters, Jaipur Zone,
Bani Park, Jaipur.
4. Assistant Garrison Engineer (I),
R & D Defence Laboratory,
Ratanada Place, Jodhpur - 11.

.....Respondents.

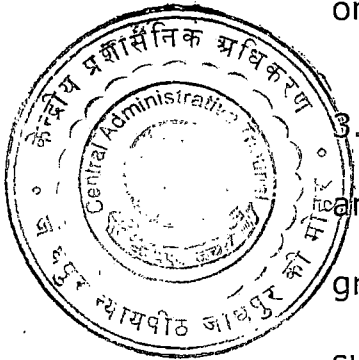
(Mr. B.L. Bishnoi counsel for the respondents)

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ORDER
[BY J.K. KAUSHIK, JUDICIAL MEMBER]

Shri Ladu Singh has filed this O.A. under section 19 of the Administrative Tribunals Act, 1985 for seeking a direction to the respondents to give him appointment on compassionate ground and also for quashing the order dated 11.3.2002 (Annex.A/1).

2. The brief facts of the case so far mainly to resolve the controversy involved in this case are that applicant is the son of the deceased Government servant. His father late Shri Ganpat Singh, was in the employment of respondents on the post of Pipe Fitter and expired on 21.2.1998 while in active service. The deceased Government servant was survived with a large family dependent on him. The requisite formalities were completed by the applicant and finally, his case was turned down vide order dated 11.3.2002 placed at Annex.A/1. The O.A. has been filed on diverse grounds mentioned in para 5 itself and its sub paras.



3. The respondents have resisted the claim of the applicant and have filed a detailed reply to controvert the facts and grounds raised in the O.A. in general. Certain additional submissions have also been filed on behalf of the applicant.

4. With the consent of the learned counsel for both the parties, the case was taken up for final disposal at the admission stage.

5. We have heard the learned counsel for the parties and have very carefully perused the records of this case.

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6. Both the learned counsel has reiterated their pleadings. The respondents have very fairly submitted a copy of the findings of the screening committee at an earlier occasion itself and a copy of the same was provided to the other side and in this way, they have been transparent in the matter of communication. The learned counsel for applicant has also been able to procure the scheme of compassionate appointment, which was in existence earlier to the date of death of the Government servant.

7. We have gone through the proceedings and the minutes of the screening committee and a perusal of the same reveals that for want of vacancies against 5% quota of direct recruitment vacancies not even a single vacancy was available and in this way none has been recommended for appointment. The case of the applicant has also been considered and his name has been placed at Sl. No. 91 of the screening list. Seeing the applicant's position on the list prepared by the screening committee, it seems next to impossible that any appointment can possibly be given to the applicant.



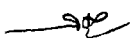
8. As per the settled law, there is no indefeasible right for grant of appointment on compassionate ground and if at all there is any right it is the right for consideration only and in the instant case, we are satisfied that the case of the applicant has been duly considered and a fair treatment has been given to him. We do not find that there is any illegality or impropriety or


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injustice has been done to the applicant. Therefore, we are not impressed with the contentions raised on behalf of the applicant.



9. In the premises, the O.A. does not have any force and the same stand dismissed with no order as to costs.


(G.R. Patwardhan)
Adm. Member


(J.K. Kaushik)
Judicial Member

 Jrm

Original
 Copy
 17/10/13
 17/10/13
 17/10/13

Received by
 P.M.
 on 22/11

Part II and III destroyed
 in my presence on 17/10/13
 under the supervision of
 section officer (1) as per
 order dated 03/10/13

D.K. Sharma
 Section Officer (Record) 17.10.2013