

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

ORIGINAL APPLICATION NO.138/2010

Dated this the 13th day of January, 2011

CORAM

HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER

Hussain Ali S/o late Rafiq Mohammad Ji
By caste – Muslim, aged 23 years
R/o Akhaliya Choraha, Behind Dallekhan Petrol Pump,
Barkat Mian Colony, Jodhpur.

(Father of applicant last served at Post of
FGM (SK) under respondent No.3.)

.....Applicant

(By Advocate - Mr. Nitin Trivedi)

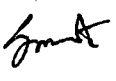
VERSUS

1. Union of India, through Secretary to the Government,
Ministry of Defence, Raksha Bhawan, New Delhi.
2. The Chief Engineer, Headquarters, Bhopal Zone, Military
Engineer Service, S. I. Lines, Bhopal.
3. The Garrison Engineer (Army), Utility, Multan Lines,
Jodhpur.

....Respondents

(By Advocate - Mr. D.S. Sodha, proxy counsel for
Mr. Kuldeep Mathur, Adv.)

ORDER

 Applicant Hussain Ali son of deceased employee late Rafiq
Mohammad Ji has preferred this application praying therein that
the order dated 10.9.2009 (Annexure A-1) be quashed and set
aside and the respondents be directed to give appointment to
the applicant on compassionate ground on the post for which he
is qualified and eligible.

2. On filing of the application, notices were issued to the respondents and the respondents have appeared through lawyer and filed reply of the OA.

3. During the course of hearing, learned Advocate of the respondents submitted that this OA is premature in view of the fact that as per the policy of the respondents, cases for grant of compassionate appointment will be considered four times but the applicant filed this application when his case was considered only once. He submitted that the case of the applicant is further to be considered by the respondents for three more times. Learned advocate submitted that he has mentioned this fact at Para 1 of his reply.

4. Learned advocate Shri Nitin Trivedi appearing for the applicant conceded this fact and submitted that without going into the merit of the case, this Tribunal can issue direction to the respondents to consider the case of the applicant for appointment on compassionate grounds as per the policy of the department and pass a reasoned and speaking order.

5. Considering the arguments of both the sides, I am of the view that in this case without going into the merit of the case a direction can be issued to the respondents to consider the case of the applicant for appointment on compassionate grounds as per the policy of the department and finally pass reasoned and speaking order.

6. In the result, this O.A. is allowed with direction to the respondents to consider the case of the applicant for appointment on compassionate ground as per the policy of the department and finally pass a reasoned and speaking order. However, it is observed that on the merit of the case, no finding is being given.

7. In the circumstances of case, there will be no order as to costs.

Dated this the 13th day of January, 2011


(**JUSTICE S.M.M. ALAM**)
JUDICIAL MEMBER

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