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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

ORIGINAL APPLICATION NO. 144/2010

Dated this the 13th day of January, 2011

CORAM

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

Vijay Kumar S/o late Shri Banshi Lal Meghwal, aged 24 years, R/o Lala Lajpat Raj Colony, Chopasani 5th Road, Jodhpur, Shri Banshi Lal deceased-Charge Mechanic HS-I in the office of Garrison Engineer (Air Force), Jodhpur.

....Applicant

(By Advocate - Mr. R.K.Soni, proxy counsel for
Mr. I.R. Choudhary, Adv.)

VERSUS

1. Union of India through the Secretary to the Government, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, MES (Air Force), Jodhpur.
3. The Chief Engineer (Air Force), MES, Camp Hanuman, Ahmedabad.
4. Garrison Engineer (Air Force) Jodhpur.

...Respondents

(By Advocate - Mr. M.Godara, proxy counsel for
Mr. Vinit Mathur, Adv.)

ORDER

Applicant Vijay Kumar son of deceased employee late Shri Banshi Lal Megwal has preferred this Original Application praying therein that the orders dated 9.6.2009, 2.12.2004, 28.3.2005, 17.10.2005, 2.5.2006, 18.5.2006, 21.5.2007, 26.6.2007 and 24.7.2007 be quashed and set aside and the respondents may be directed to give appointment to the applicant on compassionate grounds on any post including the post of Chowkidar.

2. During the course of hearing, the applicant's lawyer drew my attention towards Annexure A.13 of the O.A. which is a letter dated 17.7.2008 issued from the office of the Garrison Engineer (AF) Jodhpur. Through this letter the applicant was asked to submit his willingness to accept the appointment on the post of Chowkidar and if so to furnish the details duly signed by the applicant. Learned counsel further drew my attention towards Annexure A-14 which is order dated 15.1.2009 passed by this Tribunal in OA 143/2007. Through the said order a direction was issued to the department to consider the application submitted by the applicant pursuant to the letter dated 17.7.2008 along with similarly situated cases for compassionate appointment. Thereafter the learned advocate drew my attention towards Annexure A-1 whereby the respondents have rejected the claim of the applicant for grant of compassionate appointment. He submitted that this Annexure A-1 will show that in spite of specific order of the Tribunal and the offer given by the respondents themselves for the post of Chowkidar, the respondents did not consider the applicant's case for appointment for the post of Chowkidar, rather he was considered for the post of Mazdoor and his case was rejected. He submitted that this fact clearly establishes that the case of the applicant for appointment on the post of Chowkidar as ordered by the Tribunal was never considered and so Annexure A-1 should be quashed on this ground alone.

3. Learned advocate appearing for the respondents conceded this fact that the applicant's case for appointment on the post of Chowkidar was not considered.

4. Considering the arguments of both sides, I find that this fact has been established from the record that in spite of direction of the Tribunal, the case of the applicant for appointment on the post of Chowkidar as offered by the respondents themselves was never considered and therefore, I am of the view that without going into the merits of the case a direction can be issued to the respondents to consider the case of the applicant for appointment on compassionate ground on the post of Chowkidar as offered by the respondents themselves.

5. In the result, this application is allowed with direction to the respondents to consider the case of the applicant for grant of compassionate appointment on the post of Chowkidar and dispose of the application by passing reasoned and speaking order. It is observed that this exercise shall be completed within a period of six months from the date of receipt / production of this order. It is further observed that on merit, no order is being passed.

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

Dated this the 13th day of January, 2011

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

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