

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.153/2011

Date of decision:21.10.2011

**Hon'ble Dr. K.B. Suresh, Judicial Member,
Hon'ble Mr. Sudhir Kumar, Administrative Member.**

Vikram S/o Late Shri Budha Ram, aged about 26 years, by caste Meghwal, R/o Meghwalo Ka Bass, V/P Jhalamand, District Jodhpur (Late Budha Ram was posted at GE (A) Jodhpur as a Driver).

: Applicant.

Mr. S.P. Singh, counsel for applicant.

Versus

1. Union of India through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. Chief Engineer (Army), CE, Bhopal Zone, Sultania Infantry Lines, Bhopal, Pin 900 433 C/o 56 APO.
3. Chief Engineer (Army), Southern Command, Pune.
4. Garrison Engineer (Army) Utility Multan Lines, Jodhpur 342001.

: Respondents.

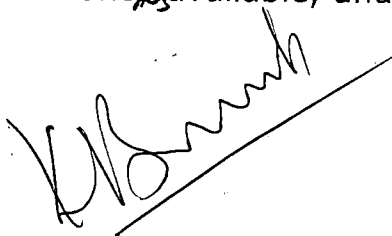
**Mr. Ankur Mathur, proxy counsel for
Mr. Anit Mathur, counsel for respondents.**

ORDER (ORAL)

Per Dr. K.B. Suresh, Judicial Member

We have heard both the counsels in detail and examined the pleadings as well documentations produced by the applicant. It would appear that in the first comparative analysis, there were two other more meritorious candidatures, and therefore, applicant's case for appointment of compassionate grounds was kept for a re-look later on. We find that the process adopted by the respondents is correct. On the second opportunity, we find that was an empty exercise, as there were no vacancies available, and there is no point


Re.



of convening a Board without marshalling all the vacancies available. Therefore, the applicant is held to be eligible for grant ^{of} ~~of~~ ^{Re.} two more opportunities for appointment on compassionate ground, after vacancies are marshalled, and with a comparative analysis.

2. The O.A. is allowed as stated above. No order as to costs. It is also made clear that the quarterly assessment, unless a specific number of vacancies are identified, is to be eschewed in future, but an yearly look would be considered as appropriate in the light of the soul and spirit of the of the Hon'ble Apex Court's judgments. But at same time, if the vacancies are available, even a quarterly look is to be continued, but then in such circumstances the ^{Re.} consideration ~~of~~ being in three calendar years ~~is~~ ^{Re.} has to be followed in each case.


[Sudhir Kumar]
Administrative Member


[Dr. K.B. Suresh]
Judicial Member