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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

**Original Application No.386/2012
with
Misc. Application No.191/2012**

Jodhpur, this the 26th February, 2013

CORAM

**HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)**

Teju Dan S/o Late Shri Shakti Dan, aged 21 years, R/o village Bonada,
Tehsil Pokran, District Jaisalmer; deceased ex-Chowkidar in the office
of Garrison Engineer, Army, MES, Jaisalmer.

.....Applicant

Mr.Vijay Mehta, counsel for applicant.

Vs.

1. Union of India through the Secretary to the Government of India,
Ministry of Defence, Raksha Bhawan, New Delhi.
2. Chief Engineer, Bhopal Zone, MES, SI Lines, Bhopal-462001.
3. Garrison Engineer, Military Engineering Services, Jaisalmer.

...Respondents

Mr. Vinit Mathur, counsel for respondents.

ORDER (ORAL)

Per Justice K.C. Joshi, Member (J)

The applicant has filed a Misc. Application No.191/2012 for
condoning of delay in filing of the OA No.386/2012. The same is
allowed for the reasons that the applicant has pleaded a sufficient
good cause for delay, and condonation of delay in such
circumstances advances the cause of justice. Accordingly, the MA
No.191/2012 is allowed.



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2. The applicant, by way of OA, has prayed to quash the Annexure-A/1 order passed by the competent authority i.e. Col, SO1 (D&V) for Chief Engineer, dated 25.02.2011 by which the applicant was denied compassionate appointment, and further prayed for direction to consider the case of the applicant in the years when the vacancies are available in accordance with the Scheme and instructions and to give him appointment on compassionate grounds.

3. The brief facts of the case are that applicant's father, late Shri Shakti Dan, was a permanent employee, working on the post of Chowkidar in the office of respondent no.3. He died on 24.08.2003 while he was in service. At that time, the applicant was minor because his date of birth is 01.07.1991 and his sisters were 10, 8, and 6 years old, and his younger brother was 5 years old. Thus, at the time of deceased employee, all the sons and daughters of the deceased employee were minor. After attaining the majority, the applicant applied for compassionate appointment on 25.09.2008 to the respondents. The respondent No.3 and Board convened its meeting and by way of Annexure-A/1, denied the claim of the applicant for appointment on compassionate grounds. Hence this OA has been filed by the applicant.

4. Respondents, by way of reply, denied the right of the applicant for reconsidering his case on the ground that his case was already considered by a competent Board and as he was not found fit for appointment. Therefore, his claim was rejected by a speaking and well reasoned order.

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5. Heard both the counsels. Counsel for the applicant contended that Annexure-A/1 order refers the application of the applicant dated 25.09.2008 but the same order at Page No.2 of para 4(j) refers the vacancies for the quarter of December, 2006. Counsel for the applicant further contended that the application for appointment on compassionate grounds has been filed by the applicant on 25.09.2008 but the competent authority has considered his case against the vacancies of quarter ending of December, 2006. This, itself shows that the competent authority has passed this order without application of mind or without considering the entire facts of the case.

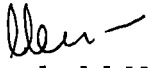
6. On the other hand, the learned counsel for the respondents defended the order passed by the respondents at Annexure-A/1.

7. We are unable to accept the defence taken by the counsel for the respondents that Annexure-A/1 is speaking and well reasoned order because this, itself refers the vacancy for the quarter December, 2006 while the applicant applied on 25.09.2008 after attaining the majority. Therefore, the Annexure-A/1 order itself appears self contradictory that the same has been passed without considering the entire facts of the case. Therefore, the same is liable to be quashed. Accordingly, the Annexure-A/1, order dated 25.02.2011 is quashed and set aside and the respondents are directed to reconsider the case of the applicant as per the Policy and relevant rules and then to inform the applicant by way of fresh speaking order. Further, the respondents are directed to consider the case of the applicant for continuous relevant three years of vacancies.



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8. Accordingly, the OA is disposed of. No order as to costs.


[Meenakshi Hooja]
Administrative Member


[Justice K.C. Joshi]
Judicial Member

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