

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 99/Jodhpur/2012

Date of decision: 20.03.2012

HON'BLE Mr. B.K.SINHA, ADMINISTRATIVE MEMBER.

Chandraveer Charan S/o Late Shri Fateh Karan Charan, aged about 29 years, R/o Near Vishvkarma Circle, Rai Colony Road, Barmer, Rajasthan. The late father of the applicant was working as UDC in the office of the respondents at Jalore.

: Applicant

Mr. D.S.Sodha, counsel for applicant.

Versus

1. Union of India through the Secretary, Ministry of Finance, Department of Revenue, New Delhi.
2. Director of Income Tax, Human Resources Development, Government of India, Ministry of Finance, Central Board of Direct Taxes, ICADR Building, Plot No.6, Vasant Kunj, Institutional Area Phase II, New Delhi-110 070.
3. The Chief Commissioner of Income Tax, Government of India, New Central Revenue Building, Bhagwan Das Road, Jaipur.
4. The Additional Commissioner of Income Tax (Head Quarter), Office of the Chief Commissioner of Income Tax, Government of India, New Central Revenue Building, Bhagwan Das Road, Jaipur.

.....Respondents

ORDER (ORAL)

Heard Shri D.S. Sodha appearing for the applicant.

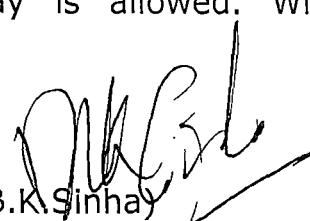
2. The case of the applicant in brief is that applicant's father who was employed as UDC in the office of the respondents had died in harness on 11.05.1985. Subsequently, on attaining maturity the applicant applied for appointment on compassionate ground in the year 2002. Since then the case of the applicant is being considered by respondent-department and the applicant has not been engaged and no order of rejection has been passed. It appears from the perusal of the order Annex.A/11 that the applicant has been asked to submit all the papers vide communication dated 5.9.2011. Since then the applicant submits that he has not heard anything from the



respondent-organization. The applicant has been informed that a typing test is being conducted to test the eligibility of some others for appointment on compassionate grounds. The applicant prays that respondents be directed to permit him to participate in the typing test.

3. It is clarified here, that appointment on compassionate ground is not a right in the same manner as appointment against direct recruitment under Articles 14 and 16 of the Constitution and as has been provided in different Instructions by the DoP&T and different Courts in their judicial pronouncement. This Court is not in a position to issue any direction to the respondent-organization to allow the applicant to appear in the test. However, the applicant is directed to approach the respondent No. 3 Chief Commissioner of Income Tax, who will peruse the application and if finds merit in the same he may grant him such permission for appearing in the typing test.

4. The M.A. for condonation of delay is allowed. With this observation, the OA is disposed of.



(B.K. Sinhay
Member(A))

jrm