

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.49/2007
This the 19th day of December 2007

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Alok Kumar Shukla aged about 23 yrs son of Late Satya Prakash Shukla Resident of Village Locha, Post Office Hadha, District Unnao, Uttar Pradesh.

...Applicant.

By Advocate: Shri Sandeep Chandra.

Versus.

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi.
2. Engineer-in-Chief, Army Headquarters, Kashmir House, Rajaji Marg, DHQ PO New Delhi-110 011.
3. Chief Engineer, Headquarters, Central Command, Lucknow-2.
4. Chief Engineer, Lucknow Zone, Lucknow-2.

By Advocate: Shri Tushar Verma.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed this OA to consider his case for appointment on compassionate ground on the ground that the candidate, who secured lesser marks than him was appointed under the said scheme.

2. The respondents have filed objections on the ground that the representation of the applicant has been considered and disposed of



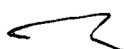
finally on 27.6.2007 (Annexure-1) to their objections with reasoned order and as such this OA has become infructuous.

3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. The admitted facts of the case are that the father of the applicant late Satya Prakash Shukla died on 15.6.2002, while performing his duties with respondents leaving behind his aged parents, wife and son (Applicant) and unmarried daughter. Thereafter, the mother of the applicant has made a representation to the respondents authorities for grant of compassionate appointment to her son i.e. applicant and the same was considered in the meeting of Board of officer on 12.4.2004 and his name was recommended by placing at Serial No. 7. Annexure-2 is the copy of recommendation of Board dated 12.4.2004. Thereafter, his name was again considered in the meeting held on 21.1.2006 (Annexure-4) and in the meeting held on 16.8.2006 (Annexure-5) but not recommended for appointment on compassionate ground.

6. It is the case of the applicant that there was no fair selection for appointment on compassionate ground. He contents that his case has been considered alongwith the case of dependents, who died as back on 1990 and also when the respondent have appointed Km. Gaisu Saxena, who obtained less marks compared to him and as such he find fault with such selection of the candidates by the respondents authorities. But during the pendency of this OA, the respondents have filed copy of rejection order dated 27.6.2007 stating that the Committee of Board of Officers have considered the case of the

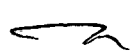


applicant in the meeting held during June, 2007 and found that he is not the deserving candidate for compassionate appointment and thus rejected his claim.

7. The main case of the applicant is that the respondent authorities have considered the claim of the candidates pertaining to the year 1990 and alongwith him and also the candidate, who secured less marks than him have been appointed on compassionate ground. The respondents have not denied such specific pleas raised by the applicant in his OA even in the rejection order dated 27.6.2007 and also does not furnish any information in respect of the contention raised by the applicant.

8. Coming to the main objections of the applicant in respect of Km. Gaisu Saxena D/o Late U.K. Saxena, he contended that she secured only 36 marks whereas, he secured 41 marks but ignoring his claim the respondents authorities have appointed Km. Gaisu Saxena as L.D.C. The recitals covered under Annexure-2 in respect of meeting of Board of Officers dated 12.4.2005 and the details of marks also reveals that Km. Gaisu Saxena secured less total marks when compared to the applicant. The respondents are not denying the selection of Km. Gaisu Saxena on the post of LDC as contended by the applicant but there is no explanation from the respondents authorities how she has been selected when she secured less marks compared to the applicant and such details also not finding place in the rejection order dated 27.6.2007, which they have issued during the pendency of this OA.

9. The other contention of the applicant is also that the Board of Officers also considered the claim of family members of the



deceased, who died in the year 1990 and the recital of Annexure-3 at Serial No. 5 Mool Chand Chaudhari also shows that he died on 29.11.1990 and the claim of his daughter was also considered in the meeting held on 16/17.8.2005, which also goes to show that the board even consider the claims of the applicants for pertaining to the year 1990, which is more than 15 years. These circumstances also shows that the respondents authorities have not followed the procedure for selection on compassionate appointment and as such there is justification in questioning the action of the respondents more particularly in respect of selection of candidates, which is nothing but discriminatory as such , the applicant is justified to questioning such discriminatory acts of the respondents authorities.

10. In view of the above circumstances, this OA is disposed of with a direction to the respondents authorities to reconsider the claim of the applicant for compassionate appointment as per rules and pass a reasoned order furnishing the details as per rules within a period of three months. No order as to costs.


(M. KANTHAIAH)
MEMBER (J)

19.12.02

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