

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.**

**Original Application No. 245 of 2010**

This the 25th day of February, 2011

**Hon'ble Mr. D.C. Lakha, Member-A**

Gaurav Kumar, Aged about 22 years, S/o late Mahadeo Pratap Singh, R/o House No. 98 Colonleganj, Fatehgarh Cantt. Presently residing at Nai Basti Neelmatha Cantt., Lucknow.

.....Applicant

By Advocate : Sri D. Awasthi

Versus.

1. Union of India through the Dte. Gen. of Infantry/Inf-6(Pers.) General Staff Branch, Integrated HQ of Ministry of Defence (Army), Sena Bhawan, New Delhi.
2. Chief Record Officer, Rajput Regiment Abhilekh Karyalaya Record the Rajput Regiment, C/o 56 APO, Fatehgarh, U.P.
3. OIC Records, Rajput Regiment Abhilekh Karyalaya, Record the Rajput Regiment, Fatehgarh, U.P.

.....Respondents.

By Advocate : Sri Pankaj Awasthi for Sri R. Mishra

**O R D E R**

The O.A. has been preferred to seek the following relief(s):

- (a) *"quash the impugned order dated 17.3.2010 passed by Opposite party no.2, which is contained as Annexure no.1 to this Original Application."*
- (b) *"Direct the Opposite parties to appoint the applicant on any suitable post according to his qualification under Dying-in-Haness Rules on compassionate grounds."*
- (c) *"Pass any other suitable order or direction which this Hon'ble Tribunal may deem, fit just and proper under the circumstances of the case in favour of the applicant."*

2. No Counter Affidavit has been filed so far in spite of the fact that more than one opportunities have been given to the respondents. Today, Sri Pankaj Awasthi holding brief for Sri R. Mishra, counsel for the respondents submits that in view of para 6 of impugned order, the matter is not finally closed against the applicant and hence this O.A. does not call for any Counter

Affidavit to be given at this stage because the order is not against the applicant, meaning thereby that the case for compassionate appointment of the applicant has not been finally rejected. The applicant's counsel has fairly admitted that the applicant is in position to accept the situation in case the respondents are directed to consider the case of the applicant for compassionate appointment in a time bound manner in view of impugned order dated 17.3.2010. The applicant's counsel has also expressed his concern that after about one year of impugned order, the applicant has not heard of anything about consideration of his case by the respondents.

3. In view of the facts narrated hereinabove, no meaningful purpose would be served by keeping this O.A. pending at this level. The respondent no.2 is directed to consider the case of the applicant in view of para no.6 of impugned order dated 17.3.2010 and decide the same in view of the applicant's eligibility or entitlement within a period of three months from the date of receipt of copy of this order.

4. With the above directions, O.A. is disposed of finally at admission stage itself. No order as to costs.



(D.C. Lakha)  
Member-A

Girish/-