

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH**

Original Application No.351/2006  
This the 7<sup>th</sup> day of March 2008

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

Santosh Kumar aged about 26 years S/o Late Shri Shanker Lal,  
R/o Village-Nai Basti, Neelmatha, Lucknow.

...Applicant.

By Advocate: Shri P.N. Singh.

Versus.

1. Union of India through the Secretary, Ministry of Defence,  
New Delhi.
2. Commanding Officer, Workshop E.M.E., Lucknow.

... Respondents.

By Advocate: Shri D.S. Tewari.

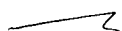
**ORDER**

**BY MR. M. KANTHAIAH, MEMBER JUDICIAL.**

The applicant has filed this OA to quash the impugned rejection order covered under Annexure-A-1 Dt. 15.12.2004 under which, the authority has rejected his claim for compassionate appointment and for reconsideration on the ground that the authority rejected his claim illegally and arbitrary and without considering his justified ground.

2. The respondents have filed Counter Affidavit denying the claim of the applicant stating that the rejection order is reasoned one and there are no justified circumstances for interference of this Tribunal.

3. The applicant has filed Rejoinder Affidavit, denying the stand taken by the respondents and reiterated his pleas of OA.



4. Heard both sides.

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

6. The admitted facts of the case are that father of the applicant Late Shanker Lal died on 17.06.1992, while working under the respondents, leaving behind his widow and applicant herein. The applicant submitted his representation ~~on 11.11.2004~~ claiming compassionate appointment but when there was no response from the authorities, he also filed O.A.No.153/1997, which was disposed of with a direction to the respondent authorities to consider the claim of the applicant for his appointment on compassionate ground. Annexure-2 is the copy of judgment in O.A.No.153/1997 Dt. 24.11.2000. In pursuance of the said directions, the respondent authorities have considered the claim of the applicant and passed Annexure-1 order on 15.12.2004 rejecting his claim for compassionate appointment. After the disposal of OA, the applicant also filed C.C.P. No.145/2001, but the same was rejected on 07.01.2001.

7. Aggrieved by the order covered under Annexure-1, the applicant filed this OA, stating that the rejection order is without any reasons and also that during the pendency of his application, others i.e. Mr. Sanjay, Mr. Subhas and Mr. Navijan Mohd. were appointed as Class IV employees and thus, discriminated him for his appointment on compassionate ground.

8. The respondents furnished reasons in the impugned order on the ground that the applicant has not been found fit for his appointment on compassionate appointment and the same was informed to his family in the year 1999 itself. Regarding second

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objection for appointment of Mr. Sanjay, Mr. Subhas and Mr. Navijan Mohd. as Class IV employees, respondents stated that their appointments were made under direct recruitment quota but not in the quota of compassionate ground thus, they rejected the claim of the applicant.

9. In respect of the first reason that the rejection of the claim of the applicant was informed to his family in the year 1999, when there was a direction in O.A.No.153/1997 Dt. 24.11.2000, it is not open to the respondent authority to rely on any rejection order prior to the date of disposal of O.A.No.153/1997. Further the impugned order also does not show any of the reference in respect of their compliance of the direction given in O.A.No.153/1997 Dt. 24.11.2000 and the said ground itself is sufficient to quash the impugned rejection order Annexure-A-1.

10. In view of the above discussion, the impugned order covered under Annexure-A-1 is not at all a reasoned order since they have not considered the claim of the applicant as per the direction in O.A.No.153/1997 Dt. 24.11.2000 and as such the impugned order is quashed with a direction to the respondent authority to reconsider the claim of the applicant for his appointment on compassionate ground as per the rules with a reasoned order within a period of three months from the date of supply of the copy of this order. No costs.

  
**(M. KANTHAIYAH)**  
**MEMBER (J)**

07.03.2008

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