

**Central Administrative Tribunal
Lucknow Bench Lucknow**

**Original Application No.434/2007
This, the 2nd day of July 2008**

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Maharaj Din, aged about 26 years, son of late Sri Amrika Prasad, R/o Village Karaidiha, Jarwal, district Bahraich.

Applicant.

By Advocate:- Shri M. Singh.

Versus.

1. Union of India, through its Secretary, Department of Defence, New Delhi.
2. Lt. General, Remount Veterinary Cortes, Army Headquarters, New Delhi.
3. Commandant, Remount Training School Depot, P.O. RCC Hempur, District Udhampur, (U.A).

... Respondents.

By Advocate:- Dr. Neelam Shukla.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed this OA under Section-19 of the Administrative Tribunal Act, 1985 with a prayer to set aside the order Dt. 06.05.2007 (Annexure-A) under which the Respondent No.3 rejected the claim of the applicant for compassionate appointment and issue direction to respondents for reconsideration of his claim.

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2. The respondents have filed Counter Affidavit, stating that the claim of the applicant is not at all maintainable on the ground that his representation was rejected in the year 2002 itself and thus opposed the claim of the applicant.

3. The applicant has filed Rejoinder Affidavit, denying the stand taken by the respondents.

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 the father of the applicant Amrika Prasad died on 28.12.2000, while working as Line Jamadar under the respondents. Thereafter, the applicant submitted representation on 29.03.2001 but the same was rejected on 12.01.2002 and Annexure-A-2 is the copy of such rejection order. In the year 2003, i.e. under Annexure-A-3 Dt. 06.10.2003, the Respondent No.3 asked the applicant to furnish some of the documents for consideration of her case for compassionate appointment for onwards submissions to higher authorities. Subsequently, the mother of the applicant also made representation Annexure-A-4 Dt.28.04.2007 to the Respondent No.3 for appointment of her son for compassionate ground, in which she also stated that such claim has been pending for consideration of the respondents. Thereafter, Respondent No.3 rejected the claim of the applicant covered under Annexure-A-1 Dt.06.05.2007, which is under challenge in this OA.

7. It is the case of the respondents that the applicants claim was rejected for non-availability of the vacancy and further, from 1999 to 2005, there was ban on recruitment. They also stated that the name of the applicant was removed from the waiting list of compassionate appointment after 3 ½ year of death of his father and also returned the documents to the mother of the applicant covered under Annexure-CA-3. The respondents have filed Annexure-CA-1 Dt. 19.09.2003, showing the list of pending cases for compassionate appointment, in which the name of the applicant was at Sl. No.14. This list contains the names of the claimants from 1982, 1993, 1995, 1996, 1998, 1999, 2000, 2001. Annexure-CA-2 Dt. 05.04.2004 is another list showing the name of the applicant in respect of pending claims of compassionate appointments.

8. The applicant himself admitted in Para-4.4 of the OA, stating that on 12.1.2002 itself his application for appointment on compassionate ground was rejected and the same was informed to his mother. He also filed the said rejection order Annexure-A-2 Dt. 12.01.2002. When, once the claim of the applicant was rejected vide Annexure-A-2 Dt. 12.01.2002, without challenging it by sending representation again and again does not create any fresh right to the applicant to claim for his appointment on compassionate ground. Further, it is also the case of the respondents that there was no vacancy and there was a ban for recruitment from 1999 to 2005 and in such circumstances, considering the claim of the applicant for his appointment on compassionate ground is also not at all maintainable

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mere showing the name of the applicant alongwith the others in the list prepared by the respondents covered under Annexure-CA-1 Dt.19.09.2003 and Annexure-CA-2 Dt.05.04.2004, showing the names of applicants who sought compassionate appointment is not at all helpful to show that all those claims are pending for consideration.

9. In view of the above circumstances there are no merits in the claim of the applicant for interference of this Tribunal in respect of rejection order covered under Annexure-A-1.

In the result, OA is dismissed. No costs.



(M. KANTHAIAH)

MEMBER (J)

02-07-2008

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