

**Central Administrative Tribunal, Lucknow Bench,**

**Lucknow**

**Original Application No. 410/2008**

This the 1st day of October, 2010

**Hon'ble Mr. S.P. Singh, Member(A)**

Manish Kumar, Aged about 27 years, S/o late Ghanshyam Kumar, R/o 589-Kha/823, Ambedkarpuram, Telibagh, Lucknow.

.....Applicant

By Advocate: Sri U.C. Saxena

**Versus**

1. Union of India through Secretary, Defence, New Delhi.
2. Director General Aeronautical Quality Assurance, Ministry of Defence, H Block, New Delhi.
3. Chief Resident Inspector, Director General of Aeronautical Quality Assurance, Ministry of Defence, HAL, P.O., Lucknow.

.....Respondents

By Advocate: Sri S.P. Singh

**ORDER**

The applicant has instituted this O.A. seeking compassionate appointment after sad death of his father Ghanshyam Kumar, who died on 22.6.2007 after an serious accident while walking on road. The applicant seeks the following relief(s):

*“(i) to pass an order or direction directing the Opposite parties to provide appointment to the applicant on appropriate post on compassionate grounds on account of the death of the applicant’s father Sri Ghanshyam Kumar during his employment with the Opposite parties within a period fixed by this Hon’ble Tribunal w.e.f. the application for*

employment was made by the applicant after declaring the order dated 26.8.2008 is illegal.

- (ii) Cost of the petition be allowed
- (iii) Any other relief which this Hon'ble Tribunal may deem fit and proper in favour of the claimant be also granted"

2. Earlier, the applicant had filed O.A. no. 81 of 2008 before this Tribunal seeking the following relief(s):

- "(a) to pass an order or direction the Opposite parties to provide appointment to applicant on appropriate post on compassionate grounds on account of the death of the applicant's father Sri Ghanshyam Kumar during his employment with the Opposite parties with a period fixed by this Hon'ble Tribunal w.e.f the application for employment was made by the applicant after declaring order dated 26.8.2008 illegal.
- (b) Cost of the petition be allowed.
- (c) Any other relief which this Hon'ble Tribunal may deem fit and proper in favour of the claimant be also granted"

3. O.A. no. 81 of 2008 was decided vide its judgment and order dated 21.2.2008 with following observations:

"After hearing for the parties, I am of the opinion that the O.A. can be disposed of at admission stage by giving a direction to the respondents to dispose of the representation of the applicant with a reasoned and speaking order. Accordingly, the respondent no.2 is hereby directed to treat this O.A. as representation of the applicant and decide the same by a reasoned and speaking order in accordance with rules within a period of four months from the date of receipt of the copy of this order. The applicant is directed to serve the certified copy of this order alongwith copy of O.A. on respondent

*no.2. However, it is made clear that I have not expressed any opinion on the merits of the case."*

4. In compliance of Tribunal's order dated 21.2.2008 passed in O.A. no. 81 of 2008 filed by Manish Kumar (applicant in the present O.A.), the Director (Admn.) in the office of Directorate General of Aeronautical Quality Assurance, New Delhi has rejected the claim of the applicant for compassionate grounds by passing a reasoned and speaking order dated 26.8.2008, which is under challenge in the present O.A.
5. In view of facts and circumstances mentioned above, it is evident that the competent authority has already considered the case of the applicant once only alongwith other candidates. The applicant has now requested for direction from this Tribunal to the authorities to consider his name for compassionate appointment.
6. After hearing the learned counsel for the parties, I am of the opinion that it would be in interest of justice if the case of the applicant is considered alongwith other candidates once more as and when vacancies exist in terms of existing instructions and relevant rules on the subject.
7. The O.A. is accordingly disposed of. No order as to costs.



(S.P. Singh)  
Member-A