

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 477/2009

This the 20th day of November, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)

1. Smt. Tara Devi aged about 55 years son wife of late Kishore Lal, resident of Gulzar Colony, Clyde Road, Near Times of India, Lucknow.
2. Surendra Kumar aged about 35 years son of late Kishore Lal, resident of Near Times of India, Lucknow.

Applicants

By Advocate: Sri M. Mishra for Sri Y. Swaroop

Versus

1. Union of India through its Secretary, Ministry of Defence, New Delhi.
2. Director, Military Farms, Central Command, Lucknow Cantonment, Lucknow.
3. Deputy Director, Central Command, Lucknow Cantonment, Lucknow.

Respondents

By Advocate: Sri S.P. Singh for Dr. Neelam Shukla

ORDER (ORAL)

Hon'ble Ms. Sadhna Srivastava, Member (J)

The subject matter is compassionate appointment.

2. The facts are that one Kishori Lal employed as Daftari in Military Farm, Central Command, Lucknow, died while in service on 8.03.2001. His second son namely Surendra Kumar applied for compassionate appointment on 30.12.05. The application has not been considered in comparison to other candidates⁴³ seeking employment on compassionate grounds. Rather his application has been rejected on the preliminary ground of delay without taking into account all other circumstances required to be considered while rejecting or accepting an application for appointment on compassionate grounds. The applicant has explained the reason for delay in para 4 of the rejoinder. It has been stated therein that one lady namely Manno Devi, claiming to

be the wife of late Kishori Lal laid claim for the death benefits as well as for compassionate appointment. It was only after the claim of said Manno Devi was rejected that an application for compassionate appointment was filed by the applicant.

3. Learned Counsel for the parties have been heard.

4. The main thrust of the argument on behalf of the applicant was that the factors on which the appointment on compassionate grounds is to be provided have not been taken into account. Delay in making the application is also one of the grounds but not the sole ground. His financial condition, the liabilities left behind by the deceased have not been considered. In fact his application was not forwarded to the board of officers which is required to consider such application on the basis of a comparative chart as amongst the several candidates forwarded by various units. In Central Command the procedure is as pleaded before this Tribunal in other case that the application are forwarded by various units and thereafter the same are considered by the Board of Officers on comparative basis. Each candidate is awarded marks under several heads and a merit list is accordingly prepared. Why this procedure was departed in this case has not been explained. The grievance of the applicant, therefore, is that his case has not been considered. I am of the opinion that rejection of the candidature of a person without proper consideration is bad in law.

5. Before I part, it may be mentioned that this Tribunal may not be taken to have expressed opinion on the merits of the case. The Board of officers is absolutely free to take into account all the factors including the delay factor & ^{to come to} ~~came~~ [^] to its own conclusion about the merits of the candidature of the applicant.

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6. Resultantly the OA is disposed of with a direction to consider the candidature of the applicant on merits in accordance with the procedure adopted in other case. No Costs.


(Ms. Sadhna Srivastava)
Member (J)

HLS/-