

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH : JAIPUR

Date of Order : 09.12.2004

Original Application No.369/2002.

Gajendra Singh S/o Late Shri Shiv Ram, aged 19 years,  
R/o Shyam Nagar Colony, In front of CIMCO Main Gate,  
Bharatpur.

... Applicant.

v e r s u s

1. Union of India through the Secretary to the Government of India, Ministry of Defence, New Delhi.
2. Officer Incharge, A.O.C. Records, Secunderabad.
3. The Commandant, Ammunition Depot, Bharatpur.

... Respondents.

Mr. Sumit Bhati proxy counsel for  
Mr. S. K. Jain counsel for the applicant.  
Mr. Gaurav Jain counsel for the respondents.

CORAM

Hon'ble Mr. M. L. Chauhan, Judicial Member.

: O R D E R (ORAL) :

The applicant who is the son of Late Shri Shiv Ram has filed this application thereby praying that the appropriate order/direction be given to the respondents to give appointment to the applicant on compassionate ground on any post lying vacant under them forthwith.

2. Briefly stated, the father of the applicant while serving as LDC in Ammunition Depot, Bharatpur, expired on 12.07.1994. Thereafter the mother of the applicant applied for compassionate appointment and her case was recommended by the lower authorities, but the competent authority did not recommend the case of the applicant's mother for appointment on compassionate grounds because of the limited number of vacancies. Thereafter the mother of the applicant submitted another application and case of the mother of the applicant forwarded from time to time to the Board of Officers for the purpose of considering her case for compassionate appointment but on account of limited vacancies available with the

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respondents, the mother of the applicant could not be given appointment on compassionate grounds. Now the applicant has filed this application thereby praying that the direction should be given to the respondents to consider his case for compassionate appointment.

3. The respondents have filed reply. In the reply, the fact that the mother of the applicant applied for compassionate appointment has not been disputed. It is stated that the case of the mother of the applicant was considered by the competent authority from time to time but she could not be given appointment on compassionate grounds on the ground of non-availability of vacancies. It is further stated in reply to Para 4.7 of the OA that the present applicant has never submitted any representation for appointment on compassionate ground against the relaxation of normal rule for the respondents, therefore, there is no question to respond to his request for compassionate appointment. The reply was filed in the Registry on 23.07.2003. Despite repeated opportunities, the applicant has not filed rejoinder. Further there is no Contemporaneous record placed on record which shows that the applicant has made any representation for compassionate appointment to the respondents.

4. In view of what has been stated above, when the applicant has not made any representation for compassionate appointment to the appropriate authorities/respondents, direction cannot be given to the respondents to consider his case for compassionate appointment. On this ground alone, without entering into the merits of the case, the applicant is not entitled for any relief. Needless to add that in case the applicant filed any representation/application before the competent authority for compassionate appointment, I see no reason why the competent authority will not consider the application/representation of the applicant on its own merit.

5. With these observations, the OA shall stands disposed of with no order as to costs.

  
(M. L. CHAUHAN)  
MEMBER (J)