

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH**

OA No. 471/05

Jabalpur, this the 25th day of November, 2005.

C O R A M

HON'BLE MR.M.P.SINGH, VICE CHAIRMAN

Kishan Das
S/o late Shri Kanchhedilal
R/o Ranjhi Nai Basti
Marghatai Road
Behind Lalla Floor Mills
Ranjhi
Jabalpur. Applicant

(By applicant Shri Rajendra Shrivastava)

Versus

1. Union of India through
the Secretary
Ministry of Defence
New Delhi.
2. Chief Engineer, Jabalpur Zone
Military Engineering Service
Bhagat Marg, Post Box No.84
Jabalpur Cantt. Respondents

(By advocate Shri P.Shankaran)

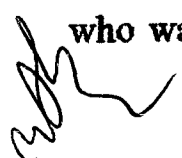
O R D E R (ORAL)

By M.P.Singh, Vice Chairman

By filing this OA, the applicant has claimed the following reliefs:

- (i) Quash the impugned order dated 7.4.2005 (Annexure A4).
- (ii) Direct the respondents to appoint the applicant as Mazdoor on compassionate grounds.

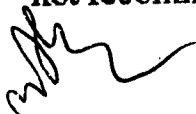
2. The brief facts of the case are that the father of the applicant who was employed as a Mate under the respondents died in harness



on 2.6.94. Thereafter, the applicant submitted an application to the respondents to appoint him on compassionate grounds. Respondents rejected the request of the applicant. Thereafter, applicant filed OA No.553/03 and the Tribunal vide its order dated 31.10.2003 directed the respondents to consider the case of the applicant as per the guidelines dated 13.6.1987. Thereafter, the respondents filed a Writ Petition before the Hon'ble High Court and the same was dismissed vide order dated 14.7.2004. Thereafter the respondents considered the case of the applicant in accordance with the policy of 1987 and rejected the claim of the applicant. Hence this OA is filed.

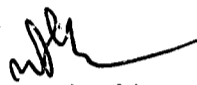
3. Heard both parties. Learned counsel of the applicant has submitted that the respondents in their reply have not stated whether they have considered the case of the applicant as per the policy of 1987 and also in the impugned order they have not specifically mentioned this fact. He has also submitted that as per the guidelines/policy of 1987, there were 20% vacancies reserved for persons for appointment on compassionate grounds.

4. On the other hand, learned counsel for the respondents has submitted that respondents have considered the case of the applicant as per the policy of 1987. According to him, there was 5% quota under direct recruitment reserved for appointment on compassionate appointment and apart from it, if the vacancies earmarked for ex-servicemen quota are not utilized, then these would also be transferred to the quota meant for compassionate appointment upto 20% of the direct recruitment quota for considering under compassionate appointment.. Learned counsel for the respondents has also submitted that not only this case, but also a number of other cases which were remitted by the Tribunal for reconsideration have been referred to the committee which was specially constituted for this purpose. The committee had gone into all aspects of the matter and after due consideration they had made their recommendations. However, after taking all aspects of the matter into consideration, the committee had not recommended the case of the applicant.

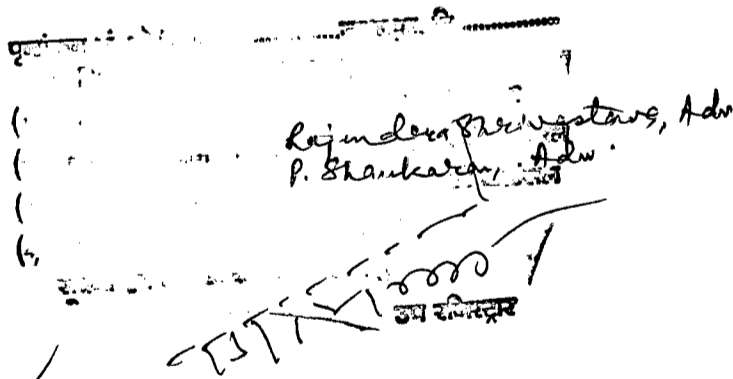


5. I have given careful consideration to the rival contentions. I find that this is the second round of litigation. In the earlier OA filed by the applicant, the respondents were directed to consider the case of the applicant as per the policy of 1987 and they have considered the case of the applicant as per the policy of 1987, as per the directions of the Tribunal, by referring the matter to a committee constituted for the purpose. The committee has gone into all aspects of the matter.

6. In view of the above discussion, I am of the considered view that the OA has no merit. Accordingly, the OA is dismissed. No costs.


(M.P. Singh)
Vice Chairman

aa.


Rajendra Prasad, Adv
P. Shankar, Adv
15/12/15

Issued
15/12/15