

**Central Administrative Tribunal
Jabalpur Bench**

OA.No.990/05

Thursday this the 16th day of March, 2006

C O R A M

Hon'ble Mr.G.Shanthappa, Judicial Member

Sudhir Kumar Lakhera
S/o late Shri Kishan Lal Lakhera
R/o House No.275 Sarafa Ward
Behind Radha School
Jabalpur (M.P.)

Applicant

(By advocate: None present)

Versus

1. Union of India through
Secretary
Ministry of Defence
New Delhi.

2. The General Manager
Gun Carriage Factory
New Delhi.

Respondents

(By advocate Shri A.P.Khare)

O R D E R (oral)

By G.Shanthappa, Judicial Member

Case called. Neither the applicant nor the counsel for the applicant is present. Shri A.P.Khare, learned counsel for the respondents is present.

2. Heard Shri A.P.Khare, learned counsel for the respondents.

3. The application is filed under Section 19 of the A.T. Act seeking the following reliefs:



- (i) Direct the respondents to give compassionate appointment as per his qualification.
- (ii) Quash and set aside the impugned order dated 21.3.2005 and subsequent orders (A-5).

4. The father of the applicant died in harness on 27.5.2003 leaving behind the applicant, his mother and 3 sisters, one of whom is unmarried.

5. Respondents have considered the application for compassionate appointment and rejected the same vide impugned order-dated 21.3.2005 (Annexure A5). The respondents have considered the case of the applicant by complying DoPT O.M. dated 5.5.2003. They have filed a reply statement in which it is stated that the applicant had obtained only 34 marks in the 100-point grading scale; his case was considered on two occasions and that they are ready to consider the case of the applicant for compassionate appointment once more. Last sentence of Para 6 of the reply statement is extracted below:

"However, as per new policy the applicant's case will be considered once more before May 2006". Thus any offer of appointment at this stage is not feasible and will be in violation of DoPT order referred above".

6. As the respondents are ready to consider the case of the applicant once more before May 2006 as per the DoPT O.M. dated 5.5.2003, the statement of the respondents is recorded and no need to go further.

7. Accordingly, the OA is disposed of with a direction to consider the case of the applicant on the basis of the statement made in the reply statement. *No costs.*

(C. Shanthappa)
Judicial Member

पृष्ठांकन सं. ओ/न्या..... 22..... जबलपुर, दि.....

पतिनिधि

(1) सचिव, उच्च न्यायालय, जबलपुर

(2) अध्यक्ष, न्यायाधीश, जबलपुर

(3) सचिव, न्यायाधीश, जबलपुर

(4) सचिव, न्यायाधीश, जबलपुर

सूचना एवं आदेश

P. Chatterjee Adv-23P

D.P. Khare Adv-22P

20/3/06