

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 170 of 2004

Jabalpur, this the 9th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman

EhFaz Khan, S/o Sher Khan,
Aged about 24 years,
R/o Badhra Mohalla, Nearby Goutamji
Ki Madiya, Garha, Jabalpur.
District- Jabalpur(Madhya Pradesh)

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India,
Through-Defence Secretary,
Ministry of Defence, New Delhi.
2. The Personnel Officer(General)
Through-Commandant Central
Ordnance Depot, Jabalpur.
District- Jabalpur(Madhya Pradesh)

RESPONDENTS

(By Advocate - Shri P.Shankaran)

O R D E R (ORAL)

As none is present for the applicant, I invoke the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

2. By filing this Original Application the applicant has claimed the following main relief :

"(i) to direct the respondents to appoint the applicant on any suitable post according to qualification of the applicant on compassionate ground and to quash the so called decision of final meeting dated 2.7.2002 Annexure A-13."

3. The brief facts of the case are that the father of the applicant was working as Senior Store Superintendent in Central Ordnance Depot, Jabalpur. He died in harness on 11.5.2001, leaving behind the starving family who have no source of income and no source of livelihood. The applicant who is son of the deceased Government servant has applied for compassionate appointment. The respondents have considered the application of the applicant and rejected the same on 2nd July 2002. Hence, he has filed this Original Application.

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4. The respondents in their reply have stated that the father of the applicant Shri Sher Khan died on 11.5.2001. As per the existing policy for compassionate appointment, the cases of compassionate appointments are to be considered by the Board on three consecutive times within a year that too within the ceiling of 5% of the posts earmarked under direct recruitment quota occurring in a year. While considering the cases, points are awarded to each attributes of the cases as per policy laid down by the Ministry of Defence in its letter dated 9.3.2001 and those who could secure more points and topped in the list are offered appointment against available vacancies. This process is followed in subsequent two times also. ^{96.1} In the last board, a candidate could not secure the position in the list depending on availability of vacancies, such cases are dropped from the list and the result is communicated to the candidates. The case of the applicant was considered thrice by separate Board of Officers out of which two boards were held at COD, Agra on 4.3.2002 and again on 28.3.2002. The details of the marks obtained by the applicant in the first and second Board are given below :

| "Vacancy available in Group D post | No. of candi- dates selec- ted | Marks Secured by last candidate selected | Marks secure- by appli- cant |
|---------------------------------------|--------------------------------------|---|--|
|---------------------------------------|--------------------------------------|---|--|

First Board held at COD, Agra on 4.3.2002

| | | | |
|----|----|----|----|
| 04 | 04 | 69 | 63 |
|----|----|----|----|

Second Board held at COD, Agra on 28.3.2002

| | | | |
|----|----|----|----|
| 04 | 04 | 69 | 63 |
|----|----|----|----|

After further clarification issued by Min. of Defence, vide letter dated 9.4.2002, the marks obtained by the applicant in the third Board held at COD, Jabalpur is

| | | | |
|----|----|----|-----|
| 04 | 04 | 81 | 78" |
|----|----|----|-----|

From the facts mentioned above it is clear that in all the

three occasions, the Board considered the case of the applicant along with similarly placed cases strictly as per the laid down procedure/policy on the subject. Since the case of the applicant was considered thrice and in all three occasions he could not secure the top position because of more deserving cases and non-availability of vacancies for appointment, applicant could not get a chance for appointment on compassionate grounds and finally the case was rejected as per policy after third time. In view of this the OA does not merit consideration and is liable to be dismissed.

5. I have given careful consideration to the rival contentions made on behalf of the parties and I find that the case of the applicant has been considered strictly as per the laid down policy/scheme by the Ministry of Defence. His case has been considered on three occasions but the applicant could not be selected for appointment on compassionate grounds because ^{there were 2} more deserving cases ^{all} were available and also there was non-availability of vacancies earmarked for the purpose.

6. In view of the aforesaid facts, I find no merit in this Original Application and the same is liable to be dismissed. Accordingly, the Original Application is dismissed. No costs.

(M.P. Singh)
Vice Chairman

पूठांकन सं ओ/न्या. जबलपुर, दि.....
प्रतिनिधि अचो धित :-
(1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर
(2) आवेदक श्री/श्रीमती/कु.....के काउंसल एस शर्मा
(3) प्रत्यक्षी श्री/श्रीमती/कु "SA" के काउंसल P. Shankar
CH न्यायालय, द.प्र.ग., जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु
16-8-04
रजिस्ट्रार

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