

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

CIRCUIT SITTING AT GWALIOR

OA No.345/04

Gwalior, this the 23rd day of June 2005.

C O R A M

HON'BLE MR.M.P.SINGH, VICE CHAIRMAN
HON'BLE MR.MADAN MOHAN, JUDICIAL MEMBER

Rajendra Kumar Ben
S/o Late Shri Ramu Ben
R/o C/o Kalyan Prajapati
Shiv Colony, Morar
Gwalior (MP)

Applicant

(By advocate : None)

Versus

1. Union of India through
The Secretary
Ministry of Defence
New Delhi.
2. The Chief of Air Staff
Air Headquarters
New Delhi.
3. The Air Officer Commanding in Chief
Central Air Command, Allahabad.
4. The Air Officer Commanding
No.40, Wing, Air Force
Gwalior.

Respondents

(By advocate Shri P.N. Kelkar)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks a direction to the respondents to grant the benefit of compassionate appointment to the applicant.

2. The brief facts of the case are that the father of the applicant while working on the post of Civilian Mess Waiter at Air Force Station, Maharajpur, died on 8.2.99. The applicant who passed 5th Class submitted a representation on 18.1.2001 to the respondents to grant him compassionate

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appointment. This representation was rejected by the respondents vide letter dated 31st July 2001. He again submitted a representation to the Secretary, Ministry of Defence requesting to provide employment assistance on compassionate ground. The said representation was rejected by the respondents vide letter dated 5th October 2001, saying that his request was considered thrice and due to very limited number of vacancies and also in terms of comparatively better financial status compared to those selected, he could not come on merit. Subsequently the applicant made various representations and oral requests to the respondents but all in vain. Hence this OA is filed.

3. None is present for the applicant. Hence the provision of Rule 15 of CAT (Procedure) Rules 1987 is invoked.

4. Heard learned counsel for respondents. It is argued on behalf of the respondents that the applicant's request was forwarded with recommendation along with other similar cases to respondent No.2 who was the competent authority for the purpose. In turn, his case was put up before the High Power Selection Committee for consideration three times as per Government's guidelines but the same was rejected for not coming up on merit. The rejection was duly informed to the applicant. Only 5% of vacancies are permitted to be filled for compassionate appointment. Selection was made on the basis of merit of each case by comparing the indigent circumstances of all the cases by the Selection Committee. As such, the decision of the respondents cannot be termed as arbitrary, discriminatory and unreasonable.

5. After hearing the learned counsel for respondents and carefully perusing the records, we find that the respondents have considered the case of the applicant thrice. It is also admitted by the learned counsel of the applicant. The claim

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was put up before the Selection Board for consideration along with other candidates. However, the applicant could not come up on merit as the selection is made on the basis of merit of each case by comparing the indigent circumstances of all the cases put up before the committee. The applicant has not filed any rejoinder controverting the contentions of the respondents in their reply. As the respondents have considered the claim of the applicant three times in accordance with the policy of the Govt. of India, Ministry of Defence, the action of the respondents seems to be perfectly legal and justified.

6. Considering all facts and circumstances of the case, the OA has no merit. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

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पूर्णकर्ता सं. ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि आवेदित:-

- (1) सदित, उच्च अदायकाला याद द्वारा दिल्ली, जबलपुर
- (2) आदेश दी/वीजी/द्वा.....के काउंसल
- (3) प्रस्तरी दी/वीजी/द्वा.....के काउंसल
- (4) चंद्रगढ़, छोटापुर, चंद्रगढ़ द्वारा

सूचना एवं अवश्यक पर्याप्ति द्वा

८८८८८ द्वा राजस्थान

J.S. Bhatipuram
P.N. Kulkarni
DN Guel

For Guel
29/6/05