

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 569 of 2004

Jabalpur, this the 28th day of July, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

1. Vinod Shankar Choubey,  
aged 59 years, S/o. late Shri  
H.N. Choubey, working on the  
post of Sand Modeller in College  
of Material Management, Ridge Road,  
Jabalpur.
2. Vinay Shankar Choubey, age 26  
years, Son of Vinod Shankar  
Choubey, resident of 672, Sarafa  
near Kucheni Temple, Jabalpur. ... Applicants

(By Advocate - Shri B.L. Nag )

V e r s u s

1. Union of India, through  
the Secretary, Ministry of  
Defence, South Block,  
New Delhi - 110011.
2. The Director General of Ordinance  
Services, Master General Ordnance  
Branch, Army Headquarters, DHQ, PO  
New Delhi - 110011.
3. The Commandant, College of  
Materials Management, Ridge Road,  
Jabalpur. ... Respondents

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

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

"(b) to direct the respondents to consider  
appointment of applicant No. 2 i.e. Vinay Sankar  
Choubey, who was called by respondent No. 3 and  
extracted the job of Sand Modeller in place of the  
applicant No. 1 on the ground of his physically  
unfitness to carry out the job of the Sand Modeller  
and also obtain sanction of the competent authority  
for his age relaxation as admissible in case of  
compassionate appointment under the provisions of  
Government of India, Department of Personnel and  
Training OM No. 14014/6/86-Estt (D) dated 30 JUN  
1987 and OM No. 14014/20/90-Estt. (D) dated 09 DEC  
1993."

2. It is <sup>on</sup> admitted position that the applicant No. 1 is still in service and has not retired. He is working on the post of Sand Modeller in the College of Material Management, Ridge Road, Jabalpur. He has made a prayer for appointment of his son i.e. applicant No. 2 on compassionate ground as he is physically unfit to carry out the job of Sand Modeller and also prayed for obtaining sanction of the competent authority for grant of relaxation in age. Prima facie we find that there is no such rule by which a person who is still in service can make a request to the Government to appoint his son on compassionate ground. The Application given by the applicant No. 1 for employment of his son on compassionate ground is not supported by any rules or by any provisions of law. It is also an admitted fact that the applicant No. 2 has crossed the age of 25 years which is the maximum age of recruitment in the Government service. Hence, the Original Application is without any merit and the respondents have rightly rejected the claim of the applicants vide order dated 19th February, 2004.

3. Accordingly, the Original Application is dismissed at the admission stage itself.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....  
पतिलिपि अर्जो दित:-

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/बु.....के काउंसल B.L. Negy
- (3) प्रत्यर्थी श्री/श्रीमती/बु.....के काउंसल
- (4) वरिष्ठ, जे.प्र.अ. जबलपुर न्यायपीठ  
सूचना एवं आवश्यक कार्यवाही हेतु

10-8-04  
उप रजिस्ट्रार

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On 10-8-04  
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