

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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**ORDERS OF THE BENCH**

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**Date of Order: 20.09.2012**

OA No. 372/2011

Mr. D.C. Gupta, counsel for applicant.  
Mr. Mukesh Agarwal, counsel for respondents.

Heard learned counsel for the respective parties.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

  
(JUSTICE K.S. RATHORE)  
JUDICIAL MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 372/2011

**DATE OF ORDER:** 20.09.2012

**CORAM**

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER**

Keshav Singh S/o late Shri Banwari Lal, aged about 20 years,  
R/o Nagla Jatmasi, Tehsil Roopwas, District Bharatpur,  
Rajasthan.

...Applicant

Mr. D.C. Gupta, counsel for applicant.

**VERSUS**

1. Union of India through the Engineer-in-Chief, Army Headquarters, New Delhi - 110011.
2. Headquarters, Chief Engineer, Military Engineer Services, Jaipur Zone, Power House Road, Banipark, Jaipur - 302006.
3. The Garrison Engineer, Military Engineer Services, Kanjoli Lines, Bharatpur - 321001.

...Respondents

Mr. Mukesh Agarwal, counsel for respondents.

**ORDER (ORAL)**

Heard learned counsel appearing for the respective parties and carefully gone through the pleadings, reply, rejoinder as well as documents available on record.

2. By way of filing the present Original Application, the applicant has prayed for quashing and setting aside the speaking order dated 24<sup>th</sup> May, 2011 (Annexure A/1). The applicant has further prayed that the respondents may be directed to consider the application of the applicant for appointment on compassionate grounds and give him appointment on the post of Mazdoor or on any suitable post from the date of application and pay all consequential benefits.




3. Learned counsel appearing for the respondents submits that the present Original Application is premature as the impugned order dated 24<sup>th</sup> May, 2011 is not a final order. He drawn my attention towards para 1 of their reply 'preliminary objection' in which the respondents have submitted that the order dated 24.05.2011 (Annexure A/1), against which the present Original Application has been filed, is not a final order, as the case of the applicant has to be considered again in the next Board of Officers for compassionate appointment. Thus, the Original Application is premature and liable to be dismissed.

4. Be that as it may, I think it proper that the ends of justice would be met if the respondents are directed to consider the case of the applicant against the available vacancies for appointment on compassionate grounds. Therefore, the respondents are directed to consider the case of the applicant against the available vacancies for appointment on compassionate grounds objectively by the next Board of Officers for appointment on compassionate grounds.

5. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application.

6. With these observations and directions, the Original Application stands disposed of with no order as to costs.

  
(JUSTICE K.S. RATHORE)  
JUDICIAL MEMBER