

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

17.01.2013

OA No. 497/2011

Mr. P.N. Jatti, Counsel for applicant.
Mr. D.C. Sharma, Counsel for respondents.

Heard learned counsel for the parties

The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 497/2011

Jaipur, the 17th day of January, 2013

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Vishpal Meena son of Shri Tejpal Meena by caste Meena, aged about 23 years, resident of Gandhi Nagr, P.O. Helak, the Kumher, District Bharatpur.

... Applicant

(By Advocate : Mr. P.N. Jatti)

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Defence, New Delhi.
2. Officer Incharge, AOC Records, Secundrabad.
3. The Commandant, Ammunition Department, Bharatpur.

... Respondents

(By Advocate: Mr. D.C. Sharma)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) That by a suitable writ/order or the direction the impugned order vide Annexure A/1 dated 29.11.2010 and the order dated 05.07.2010 vide Annexure A/2 and the respondents be directed to award the correct points as 72 marks instead of 39 marks as per the facts and the circumstances of the case.
- (ii) That by a suitable writ/order or the direction the OA be allowed and further the respondents be directed to provide the relief to the applicant.
- (iii) Any other relief which the Hon'ble Bench deems fit."

2. Learned counsel for the applicant argued that the applicant has been awarded 39 marks. According to the learned counsel for

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the applicant, he is entitled for 72 marks out of 100 marks. He has given a chart showing that how the applicant is entitled for 72 marks out of 100 marks, which is given below:-

		Wrong as per Respondents	Right Marks are required as below		
1.	Family	6 marks out of	20 Marks	6 Marks out of	20 Marks
2.	T.B.	3 marks out of	10 Marks	10 Marks out of	10 Marks
3.	MI	3 marks out of	5 Marks	5 Marks out of	5 Marks
4.	M.I.P.	1 mark out of	10 Marks	10 Marks out of	10 Marks
5.	N. of D	15 marks out of	15 Marks	15 Marks out of	15 Marks
6.	N of UMD	0 marks out of	15 Marks	15 Marks out of	15 Marks
7.	N of MC	5 marks out of	15 Marks	5 Marks out of	15 Marks
8.	L.O.S.	6 Marks out of	10 Marks	6 Marks out of	10 Marks
		39 Marks	100 Marks	72 Marks	100 Marks

3. Learned counsel for the applicant further argued that deceased employee left two unmarried daughters while the respondents have treated them as married and awarded '0' marks for unmarried daughters. Therefore, he prayed that the respondents be directed to reconsider the case of the applicant for giving him appointment on compassionate grounds.

4. Learned counsel for the respondents argued that the case of the applicant was considered thrice by the Board of officers for the years 2004-2005 in its meeting held on 17/18.01.2008 and for 2005-06 to 2008-09 held on 30-.03.2010. As per the policy, the applicant obtained 39 marks out of 100 marks. The total marks obtained by the last candidate, who was considered alongwith the applicant was as under:- *Anil Kumar*

Marks of last recommended Applicant	1 st time	2 nd time	3 rd time
	73	68	65

Since the applicant obtained less marks than the last candidate, who was considered for appointment on compassionate ground, therefore, the applicant could not be given appointment on compassionate ground. Therefore, this OA has no merit and should be dismissed with costs.

5. Heard the rival submissions of the parties and perused the documents on record. It is not disputed between parties that the case of the applicant was considered thrice by the respondents. However, the learned counsel for the applicant disputed the marks awarded to the applicant. According to the learned counsel for the applicant, the applicant should have been given 72 marks out of 100 marks. He further submitted that the deceased employee has left two unmarried daughters while the respondents have stated in their letter dated 29.11.2010 (Annexure R/1) that two daughters were married and, therefore, they have not awarded any marks on that score. Learned counsel for the respondents could not show any document which could prove that the two daughters of the deceased employee were married at the time of death of the employee. Therefore, in the interest of justice, I deemed it proper to direct the applicant to file a representation before the respondents stating the grounds on which he claims that he should score 72 marks out of 100 marks within a period of 15 days from the date of this order. The respondents are directed to

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consider the representation, if so given by the applicant, expeditiously but in any case not later than three months from the date of receipt of a copy of the representation according to the provisions of law. The respondents are directed to pass a reasoned and speaking order on the representation of the applicant and a copy of the same shall be supplied to the applicant. If any prejudicial order is passed, the applicant is at liberty to file a substantive OA.

6. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

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