

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
ALLAHABAD**

This the **04th** day of **May, 2018**.

HON'BLE MR. GOKUL CHANDRA PATI, MEMBER (A).

Original Application Number. 330/01366/2014

Shri Anjani Yadav, Son of Late Shri Rohtam, Resident of Military Farm State Quarter, Rajgarh, District Jhansi (U.P).

.....Applicant.

VER S U S

1. The Union of India through its Director General of Military Farms (MF-1), OMG's Branch, IHQ of MOD (Army) Pin – 900108, C/o APO R.K. Puram , New Delhi.
2. Deputy Director, Military Farms, Head Quarter, Southern Command, Rurkee / Pune-3.
3. The Manager, Officer In-Charge, Military Farm, District - Jhansi.

.....Respondents

Advocate for the applicant :Shri S.K. Srivastava

Advocate for the Respondents : Shri Raghvendra Pratap Singh

ORDER

Learned counsel for the applicant has submitted that the father of the applicant died on 21.07.2010 while in service,. On 28.08.2010, the applicant submitted an application for appointment on compassionate grounds. Having received no response, the applicant filed O.A No. 543 of 2014 which was disposed of by this Tribunal vide order dated 01.05.2014 with direction to the respondents to take action on the application of the applicant. In

compliance to the order of this Tribunal, the respondents passed the impugned order dated 03.06.2014. Aggrieved, the applicant has filed the instant OA with prayer for quashing the order dated 03.06.2014 and to consider the representation dated 28.08.2010 for appointment on compassionate grounds.

2. Learned counsel for respondents Shri Raghvendra Pratap Singh submitted that claim of the applicant vide his representation dated 28.08.2010 was considered alongwith other candidates but due to lower merit and limited number of vacancies in Group 'C' , he could not be recommended by the Board of Officers. He also submitted that the Military Farms are going to be closed as per the decision of Government of India, for which the case of the applicant for compassionate appointment could not be considered.

3. Shri S.K. Srivastava, learned counsel for the applicant on the other hand stated that the respondent No. 3 issued letter dated 05.08.2015 with blank Form of undertaking asking the applicant to furnish the same and it was submitted on 08.08.2015 (Annexure-1 to the RA). Thereafter, another letter dated 21.12.2015 was issued by the respondent No. 3 for submitting affidavit, which was also submitted on 24.12.2015 (Annexure -2 to the RA). Learned counsel for the applicant further submitted that the applicant has also given

his undertaking to work anywhere in the country even on Group 'D' post.

4. From the impugned order dated 03.06.2014, it is seen that the case of the applicant has not been closed by the respondents and hence, his case is liable to be considered as per the rules as and when regular vacancies are available. It is further seen from Annexure -1 and 2 to the RA that the applicant has been asked to complete certain formalities which have been complied by the applicant . Such action of the respondents indicate that case of the applicant is still under consideration.

3. Having regard to the above, the respondents / competent authority are directed to consider the case of the applicant for compassionate appointment in any vacant Group 'C' or Group 'D' post as per rules and guidelines of Government as per the assurance of the respondents to consider his case alongwith others as per letter dated 03.06.2014 (Annexure A-1) and communicate their decision through a speaking and reasoned order to the applicant in accordance with law within a period of four months from the date of receipt of certified copy of this order.

4. It is made clear that nothing has been commented by this Court on merits of the case.

MEMBER- A.

Anand...