

**Central Administrative Tribunal
Principal Bench, New Delhi**

R.A. No.225/2017 in O.A. No.1539/2014

Reserved on 12th October 2018

Pronounced on 12th October 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)

Ruksana Makwa
w/o Late Shri Mohd. Umar Ismail Makwa
Mate (FGM)
r/o House No.22-G 8/1
Room No.8
Ratiya Marg, Sangam Vihar, New Delhi

..Applicant

(Mr. R Satish Kumar, Advocate)

Versus

1. Military Engineering Services
Through Engineer-in-Chief
Integrated HQ of MOD (Army)
Kashmir House, Rajaji Marg
New Delhi
2. Ministry of Defence
Head Office
104, South Block
Govt. of India, New Delhi – 110 001

..Respondents

(Mr. Hanu Bhasker, Advocate)

O R D E R

Mr. K.N. Shrivastava:

This R.A. has been filed seeking review of Tribunal's order dated 12.05.2017 in O.A. No.1539/2014. The review applicants were original respondents in the *ibid* O.A. The Tribunal, vide the order under review, had issued the following directions:-

“14. The O.A. is, therefore, allowed and orders dated 26.07.2012 and 28.12.2010 are quashed and set aside, with a direction to issue appointment letter to the applicant for anyone of the post of

Mazdoor/Chowkidar/Peon or Multi Tasking Staff, within a period of 30 days from the date of receipt of a certified copy of this order.”

2. The main contention of the review applicants is that the original applicant was considered for appointment on compassionate grounds in the years 2009-10, 2010-11 and 2011-12, but could not be recommended for the compassionate appointment by the Board of Officers, as she had secured less marks in comparison to the last recommended candidates in these three selections. In paragraph 5 of the R.A., a comparative table has also been given in this regard.

3. Mr. Hanu Bhasker, learned counsel for review applicants drew my attention to the scheme of compassionate appointment issued vide Memorandum dated 09.01.2018 (pp.229-232) and submitted that the applicant's case had been considered on all three occasions in accordance with the scheme. He, thus, argued that the Tribunal has incorrectly observed in paragraph 12 of the order under review that the original respondents, in one letter, had stated that no compassionate appointments were made in the year 2009, but in another letter, they had stated that 17 vacancies were filled up in 2009-10, and the applicant could not be appointed because of insufficient vacancies.

4. Mr. Bhasker lastly submitted that in paragraph 14 of the order under review, the Tribunal has directed that the original applicant should be appointed against any one of the post of Mazdoor/Chowkidar/Peon or Multi Tasking Staff; as a matter of fact, the Tribunal can only direct the respondents to consider the original applicant for the compassionate appointment against such posts, but cannot order to appointment.

5. *Per contra*, learned counsel for respondent in R.A. (original applicant) stated that all these arguments were put-forth by the original respondents during the adjudication of the O.A. and after considering them, the order under review has been passed.

6. I have considered the arguments of learned counsel for the parties and have gone through the pleadings.

7. The Tribunal has analyzed the facts and circumstances of the case before passing the order under review. I do not find any apparent error in the order of the Tribunal as such. If the review applicants are aggrieved of Tribunal's order, they have to seek remedy against it in forum other than the review forum. A complete reading of the Tribunal's order under review would give a clear indication as to why the Tribunal decided to issue specific direction for appointing the original applicant under the given circumstances.

8. In the conspectus, I do not find any merit in this R.A. and it is accordingly dismissed. No costs.

(K.N. Shrivastava)
Member (A)

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