

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

...
Original Application No.290/00490/2015

Reserved on : 16.01.2019
Pronounced on : 24.01.2019

CORAM:

HON'BLE MRS. HINA P.SHAH, MEMBER (J)

Jitendra Bajad son of Shri Munna Ram, B/c Meghwal, aged about 26 years, Resident of 165, Mohan Nagar-A, B.J.S. Colony, Jodhpur, applicant's father was working as Mazdoor in 19 FOD Jodhpur

...Applicant

(By Advocate: Shri C.P.Soni)

Versus

1. Union of India through the Director, Ministry of Defence, Ordnance Service, Army Headquarter, New Delhi.
2. The Chief Ordnance Officer, Headquarter-19, Field Ammunition Depot, C/o 56 APO.
3. O.O.C. (Admn) Commandant, 19 Field Ammunition Depot, C/o 56 A.P.O.

...Respondents

(By Advocate: Shri K.S.Yadav)

ORDER

The applicant has filed the present OA u/s 19 of the Administrative Tribunals Act, 1985 praying for quashing the impugned orders dated 17.11.2014 (Ann.A/1) and dated 20.1.2015 (Ann.A/2), whereby his case for compassionate appointment was rejected by the respondents.

2. The present matter relates to compassionate appointment. The applicant avers that his father was serving as Mazdoor in the respondent department who expired on 12.3.2008. Thereafter, application for compassionate appointment was submitted and all the desired documents were provided to the respondents, but when no action has been taken by the respondents, the applicant filed OA No. 545/2013 before this Tribunal, which was withdrawn by the applicant as during the pendency of the said OA, the respondents have passed the impugned orders Ann.A/1 and A/2 rejecting the claim of the applicant for compassionate appointment. Accordingly, he has filed the present OA challenging the impugned orders whereby his case for compassionate appointment has been rejected.

3. By way of filing reply, the respondents have stated that candidature of the applicant was considered time and again but he could not be selected as the applicant scored lesser marks in comparison to other candidates against the limited number of vacancies. For the vacancies of the year 2010-11, the applicant secured 49 points and 82nd place in overall merit, but due to limited vacancies, he could not be considered. Thereafter, his case was considered for the vacancies of the year 2011-12 against 62 vacancies, but

the cut off points of the last selected candidates remained 72 and 70 points whereas the applicant secured 49 points. His case was again considered for the 2012-13 vacancies but this time also the cut off remained 73 and 70 points and the applicant secured 49 points, thus his name could not be recommended for compassionate appointment being lower in merit and due to non availability of vacancies under the ceiling of 5%. The respondents have also placed on record the proceedings of the Board of Officers as Ann.R/1, R/2 and R/3.

4. The applicant has filed rejoinder reiterating the averments made in the OA and the respondents have filed additional affidavit.

5. Heard Shri C.P.Soni, learned counsel for the applicant and Shri K.S.Yadav, learned counsel for the respondents and perused the original record pertaining to the applicant along with other such persons considered for the year 2010-11, 2011-12 and 2012-13 respectively.

6. As per direction dated 11.1.2019, record in this case was produced by the respondents. The record was perused by the Bench as well as by the learned counsel for the applicant. After perusal of the record, the learned counsel

for the applicant remains satisfied as he does not mention any infirmity. However, he states that the impugned orders dated 17.11.2014 and 20.1.2015 are not reasoned and speaking and are passed by the respondents in a mechanical manner. It does not speak about the criteria adopted by the respondents for rejecting the claim of the applicant.

7. In these circumstances, I am of the view that it would be just and proper if the respondents pass reasoned and speaking orders and communicate the same to the applicant within a period of three months from the date of receipt of a copy of this order. Ordered accordingly.

8. The OA stands disposed in above terms with no order as to costs.

(HINA P.SHAH
JUDL. MEMBER

R/