

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.062/01302/2018
Chandigarh, this the 21st day of December, 2018

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

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MES No. – 509303, Gulam Navi Dar S/o Late Sh. Ahad Dar, aged 49 years, working as Lower Division Clerk in the office of Garrison Engineer, MES, EWS, c/o 56 APO (Srinagar)

....Applicant

(Present: Mr. D.R. Sharma, Advocate)

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi – 110011.
2. The Engineer in Chief, Military Engineer Services, Army HQ, New Delhi -110011.
3. The Chief Engineer, HQ MES Northern Command, Udhampur C/o 56 APO – 914698.

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The present O.A. has been filed by the applicant seeking issuance of a direction to the respondents to appoint him as LDC, on compassionate grounds with effect from the date of availability of the vacancy.
2. Learned counsel very fairly submitted that the applicant, on the demise of his father on 24.06.1990, was offered appointment as Chowkidar, on compassionate grounds, which he accepted and joined as such on 16.04.1993. Learned counsel submitted that the applicant gave his willingness to join as Chowkidar on the condition that his case would be considered for appointment as LDC as and when the vacancy arises. He prays that since the vacancy of LDC had arisen on 15.09.1993, therefore, his case for appointment as LDC be considered from that date.

3. We have given thoughtful consideration of the matter and are of the view that the O.A. holds no merit and deserves to be dismissed on the simple ground that the object of the policy of the appointment on compassionate grounds is only to provide a source of livelihood to the family to mitigate the hardships occurred to it due to death of its bread winner. Applicant cannot ask for the appointment against a specific post on compassionate grounds. In this case, the applicant has been offered appointment as Chowkidar, which was accepted by him and he joined as such in April, 1993. No directions can be granted to the respondents to reconsider him for the post of LDC, in view of law laid down in the case of **Director of Education (Secretary) and Another Vs. Pushpendra Kumar etc.** 1998 (5) SCC 192..

4. In view of the above, the O.A. is dismissed being devoid of any merit.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 21.12.2018

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