

Central Administrative Tribunal
Principal Bench, New Delhi

O.A. No.3025/2003

Thursday, this the 11th day of November 2004

Hon'ble Shri Shanker Raju, Member (J)

Govind Prashad
S/o Late (Shri) JC-42934
Ris/RT Radhika Das Shastri
R/o Village & PO Paraul, Via- Kaluahi
Distt. Madhubani, Bihar

...Applicant

(By Advocate: Shri Surat Singh)

Versus

1. Director General
Directorate Gen. Of Mech. Forces
General Staff Branch, Army Headquarters
New Delhi
2. Commandant
63; Cavalry, c/o 56 APO
3. OIC Records
Kavachit Corps Abhilekh
Armoured Corps Records
Ahmad Nagar (Maharashtra)

...Respondents

(By Advocate: Shri A.S.Singh for Shri R.N.Singh)

ORDER (ORAL)

The claim of the applicant is directed against an order passed on 9.8.2002 rejecting his request for compassionate appointment, which has been rejected on the ground that waiting list has to be maintained for one year and appointment is restricted to 5% of the total vacancies in direct recruitment quota.

2. In the light of DOPT's OM dated, the waiting period has been raised to two more years in case of indigent family.
3. I have heard the learned counsel for both the parties.
4. The right to compassionate appointment is not an indefeasible right but right for consideration is, it is equally settled by the Apex Court in Director, Defence Metal Research Laboratory & another v. G. Murali

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(2)

(2003) 9 SCC 247, that belated claim of compassionate appointment has no legal legs to stand.

5. However, having regard to the letter dated 17.7.2003 with reference to the compassionate appointment of the applicant, I find that the respondents have suggested the applicant to apply for the post of religious teacher as per Army Headquarters' letter dated 11.5.2000. For want of this letter, I cannot further dwell upon it. However, in case the applicant applies, keeping in view the aforesaid, being a graduate for the post of religious teacher, the respondents shall take note of their letter dated 17.7.2003 to process the case of the applicant, which would be in accordance with the rules and instructions.

6. With these, OA stands disposed of.

S. Raju
(Shanker Raju)
Member (J)

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