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

O.A. No.3025/2003

Thursday, this the 11<sup>th</sup> 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, Cavalary, 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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(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)

/sunil/