

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

Original Application No.203/00665/2018

Bilaspur, this Monday, the 18th day of November, 2019

HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MR. B V SUDHAKAR, ADMINISTRATIVE MEMBER

Smt. Indrani Dewangan, D/o Anand Dewangan, aged about 34 years, R/o Parasnagar, Raipur, District Raipur (C.G)

-Applicant

(By Advocate – Shri Hemant Kesharwani)

V e r s u s

1. Union of India through Secretary Communication, Sanchar Bhawan, 20, Ashoka Road, New Delhi (India) – 110001.

2. Superintendent, Railway Mail Services, R.P 1st, Division Raipur (C.G) **-Respondents**

(By Advocate – Shri Vivek Verma)

O R D E R (O R A L)

By Ramesh Singh Thakur, JM.

This Original Application has been filed by the applicant challenging the order dated 14.02.2018, which has been communicated on 16/22.02.2018 (Annexure A-1), whereby her application for grant of compassionate appointment has been rejected.

2. The applicant has, therefore, sought for the following reliefs:

“8.1 That, this Hon’ble Court may kindly be pleased to set-aside the impugned order dated 14.02.2018 and direct the respondent to grant compassionate appointment to the applicant.

8.2 That, any other relief may also be awarded in favour of applicant under the facts and circumstances in including the cost of this Original Application.”

3. Brief facts of the case, as narrated in the Original Application, are that father of the applicant was working as Mail Man with the respondent department. He died in harness on 15.05.2013. After death of deceased employee, mother of the applicant applied for grant of compassionate appointment to her, which has been rejected on 20.08.2014 (Annexure A-4). The applicant, being the daughter of deceased employee, filed application for appointment under compassionate ground, which was initially rejected on the ground that married daughter is not entitled for compassionate appointment.

3.1 Thereafter, as per the instructions issued by the Government of India regarding entitlement of married daughter for compassionate appointment, the case of the applicant was considered and she was asked to submit the requisite documents vide letter dated 03.11.2017 (Annexure A-7). However, the same has been rejected on 14.02.2018. The contention of

learned counsel for the applicant is that Annexure A-1 is a non-speaking order and no reasons have been assigned while rejecting the claim of the applicant.

4. The respondents, in their reply, have submitted that case of mother of the applicant was not found deserving case by the CRC as she secured only 55 merit points, whereas the last candidate selected for appointment under compassionate ground had secured 72 merit points. After rejection of claim of her mother, the applicant applied for appointment on compassionate ground. As per the dependent certificate issued by the Local authority, there is no name of the applicant in dependent certificate issued on 20.09.2013 (Annexure R-3). Even in the particulars of the dependent certificate submitted by her mother on 24.09.2013 (Annexure R-4), the name of the applicant does not find place. Hence, the claim of the applicant has been rejected vide order dated 14.02.2018.

5. We have heard the learned counsel for the parties and perused the pleadings available on record.

6. From the pleadings, it is clear that after rejection of case of mother of the applicant, the applicant had applied for the appointment under the compassionate ground. The respondents,

in their reply statement, have stated that claim of the applicant has been rejected on 14.02.2018, which has been communicated to her vide letter dated 16/22.02.2018 (Annexure A-1) as she was not dependent on the Government servant at the time of his death. However, no such reasons have been assigned in the impugned order at Annexure A-1.

7. It has repeatedly been held in catena of judgments that failure to give reasons amounts to denial of justice. The administrative authority who is discharging quasi judicial duty is required to give reasons while rejecting any claim. Because if the reasons are given then it will be easier for the applicant to challenge the order effectively before the Court of law by concentrating only on those points which did not find favour to the authority. The law laid down by the lordships of Honorable Supreme Court in the case of **Raj Kishore Jha vs State of Bihar & Others**, 2003(11) CC 519 has again been reiterated in case of **Ram Phal Vs. State of Haryana**, 2009(3) SCC 258, decided on 6.2.2009 stating that “reason is the heartbeat of every conclusion. Without the same, it becomes lifeless.” Therefore, reasons are backbone of the order. In absence of reasons, order cannot be approved by any Court of law because

it does not inform the person against whom the order is passed regarding what weighed in the mind of the authority while rejecting the claim.

8. A bare reading of Annexure A-1 makes it clear that no reasons have been assigned while rejecting the claim of the applicant. Thus, in view of the law laid down by the Hon'ble Supreme Court in the cases, quoted above, Annexure A-1 is quashed and set aside. The respondents are directed to reconsider the case of the applicant for appointment on compassionate ground. The applicant shall be at liberty to provide the relevant documents regarding her dependency, within three weeks from today. On receipt of the same, the respondents shall consider her case in their next CRC meeting. Needless to say that the decision, so taken, shall be reasoned and speaking one.

9. Accordingly, the O.A is allowed. No order as to costs.

(B V Sudhakar)
Administrative Member
am/-

(Ramesh Singh Thakur)
Judicial Member