

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH
JABALPUR

Original Application No.200/001168/2015

Jabalpur, this Thursday, the 05th day of March, 2020

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER



Suneel Kumar Mahara,
 Son of Late Shyam Lal Mahara
 aged about 37 years, R/o 1619,
 Jindhai Talaiya,
 Kewat Mohalla,
 Garha Bazar, Garha,
 Jabalpur (M.P.) PIN 482003

-Applicant

(By Advocate –**Shri N.K.Agrawal**)

V e r s u s

1. Union of India,
 Through Secretary,
 Ministry of Defence,
 Govt. of India,
 New Delhi PIN 110001

2. General Manager,
 Gun Carriage Factory,
 Jabalpur (M.P.) PIN 482001

3. Joint General Manager/Administration
 Gun Carriage Factory,
 Jabalpur (MP) 482075

- Respondents

(By Advocate –**Shri S.P.Singh**)

ORDER (ORAL)

The applicant is aggrieved that his divorced sister has not been counted amongst the dependent while considering his application for compassionate appointment.



2. The facts of the case are that the applicant is the son of Late Shyam Lal Mehara, who died on 21.03.2013 while he was in service with the respondent No.2.
3. The name of the applicant was proposed for compassionate appointment wherein he got 29 merit points and his case could not find place in the merit as indicated vide letter dated 25.03.2014 (Annexure A-3).
4. The applicant again submitted that his sister is also fully dependent on her who has been deserted by her husband since 26.04.2001. The applicant's sister had filed the application for divorce on 18.06.2014 which has been decreed on 17.07.2015 (Annexure A-5).
5. He has prayed for the following relief in this Original Application.

“8.Relief Sought:-

8.1 To call for the records of the case and after going through the same, be pleased to order and direct the respondents to consider the case of applicant for compassionate appointment by giving proper grading/marks in so far as it relates to 'unmarried daughter' column of Annexure A/13, considering Smt. Urmila Jharia is mentally retarded and fully dependent on the applicant and his mother after her divorce from competent Court.



8.2 To grant any other relief which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case alongwith costs of Original Application."

6. The respondents in their reply have submitted that the case of the applicant has been considered four times. However, applicant could not fall within the merit list for grant of compassionate appointment.

6.1 As far as the consideration of daughter of deceased is concerned, it is seen that she was married at the time of death of the employee of the organization and therefore, she does not fall within the definition of the dependent.

6.2. In the scheme for grant of compassionate appointment the respondents vide their communication dated 09.04.2002 (Annexure R-1) have clearly indicated that "the employed son (both staying together, married or living separately), employed

daughters and married daughters are not to be accounted in this parameter.

7. Heard the arguments of both the parties and perused the pleadings available on record.



8. The relevant dates in the matter are that the death of the employee took place on 21.03.2013. Applicant's sister filed her divorce application on 18.06.2014 which is more than a year after the death of the employee. Therefore, it is clear that on the date of death of the employee, the applicant's sister was not dependent on the family as she was married.

9. Accordingly, I do not find any irregularity or illegality in the action taken by the respondents in not considering his sister in the list of dependent

10. It is also seen that the respondents have also considered his case four times (lastly considered on 15.05.2015, as communicated on 10.06.2015 (Annexure R-3). Even otherwise I find that the scheme circulated by department on 14.05.2010 (Annexure R-5) indicates maximum points as 15 for three and above dependents.

11. A perusal of Annexure A-13 indicates that they have already awarded 15 marks as they are having three dependents. Therefore there is no scope of increase in the merit points.

12. In view of the above there is no merit in the Original Application. Therefore the Original Application is dismissed. No order as to costs.

(Navin Tandon)
Administrative Member

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