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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.244/94

NEW DELHI THE 19TH DAY OF MAY 1994.

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.N.DHOUNDIYAL, MEMBER(A)

Smt.Itwari Devi
widow of late Chotey Lal
C/O Sh.Rakhpal Tailor Master
Bamra Market, Dehda,
Muradnagar
Distt.Ghaziabad(UP)

... APPLICANT

BY ADVOCATE SHRI V.P.SHARMA

Vs

1 Union of India through
the Secretary
Ministry of Defence, Govt.of India
New Delhi.

2. The Director General
Ordnance Factory
10-A Auckland Road,
Calcutta

3. The General Manager
Ordnance Factory
Muradnagar
Distt.Ghaziabad(UP)

... RESPONDENTS

BY ADVOCATE SHRI V.S.R.KRISHNA

ORDER(ORAL)

Justice S.K.Dhaon:

The husband of the the applicant, Shri Chotey Lal, was employed as Labour 'B' with the respondents. He died in harness, leaving behind his widow and a minor son of 11 years. Her request for being given compassionate appointment had been rejected by an order passed some time in June 1993. This order was passed by the General Manager, Ordnance Factory, Muradnagar. The said order is being impugned in the present OA.

2. In the counter-affidavit filed on behalf of the respondents, it is asserted that the applicant is really not an indigent person. Further, she is not qualified to get an appointment on compassionate ^{minimum} grounds as she has not attained the/ educational qualification, namely having passed the fifth class.

3. A reading of the impugned order indicates that the same had been passed mechanically and without due application of mind. It had been passed in a printed proforma. An order has to be passed objectively. This can best be done by disclosing reasons. This not having

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been done in the present case, the impugned order is not sustainable.

4. We find that reliance has been placed by the respondents in the counter-affidavit upon the Office Memorandum dated 30.6.1987. In the said OM, under the heading "Eligibility", in sub-para(d) of para 4, it is stated that where a widow is appointed on compassionate ground to a Group 'D' post, she will be exempted from the requirements of educational qualifications, provided the duties of the post can be satisfactorily performed without having the educational qualification of Middle standard prescribed in the Recruitment Rules.

5. The authority concerned shall consider the feasibility of giving a suitable appointment to the applicant in a Group 'D' post, if he is satisfied that she fulfils the necessary requirements. If the authority feels that because of lack of educational qualification of the applicant, no appointment can be given to her for the time being, the authority concerned may consider the desirability of making a commitment that, if and when the son of the applicant attains ~~the~~ majority and if he then fulfils the necessary educational qualifications, he will be considered for being given an appropriate appointment.

6. The impugned order is quashed. The General Manager, Ordnance Factory, Muradnagar, Distt. Ghaziabad is directed to pass a fresh order as expeditiously as possible but not beyond the period of three months from the date of production of a certified copy of this order by the applicant before him. He shall pass a speaking order on merits, in accordance with law and in the light of the observations made above.

7. There shall be no order as to costs.

B. N. DHOONDIYAL
(B.N.DHOONDIYAL)
MEMBER(A)

SNS

S.K. DHAON
(S.K.DHAON)
VICE-CHAIRMAN(J)