

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No. 1411 of 2001.

Allahabad this the 25th day of March 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Sushila Devi
widow of Udai Veer Singh
r/o 674, E.W.S. Awas Vikas Colony
Sector No.1 Badla Shahganj, Agra
presently residing at A-17 Gali No.83
Bhikkam Colony Ballabhgarh
District Faridabad, Haryana.

.....Applicant.

(By Advocate Sri S.K. Chaturvedi,)

Versus.

1. Union of India
through the Secretary
Ministry of Defence,
New Delhi.
2. Sansthan Suraksha Adhikari,
Kendriya Ayodh Bhandar, (C.O.D.)
Agra.
3. Commandant
Central Ordnance Depot,
Agra.
4. Director General of Ordnance Services
Army Head Quarter D.H.Q
New Delhi.

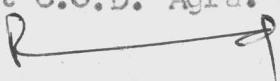
.....Respondents.

(By Advocate: Sri A Mohiley)

O_R_D_E_R

1. By this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged the orders dated 16.8.2001 and 10.10.2001 (Annexures 16 to 17) respectively) rejecting the claim of the applicant for appointment on compassionate grounds.

2. The facts of the case are that the husband of the applicant Late Udai Veer Singh was employed as Lower Divisional Clerk at C.O.D. Agra. He died on 28.6.1998.



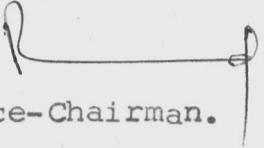
On death applicant applied for appointment on compassionate grounds which has been rejected. Applicant has two minor children who are dependent on her. Applicant is getting Rs.3000/- per month as pension and she has her own house. Applicant has also received terminal benefits, after death of her husband. Counter Affidavit has been filed by the respondents, resisting the claim of the applicant. The proceedings of Board of Officers which considered the claim of applicant alongwith others, has been filed. The committee prepared the list of all cases before it. Total number of cases were 176. The case of the applicant could be placed at Sl. No.56. It has been stated in the order that there were more deserving cases and applicant's claim could not be considered in view of the limited number of vacancy. Learned counsel for the applicant has placed reliance on judgement of Hon'ble Supreme Court in case of Balbir Kumar and another Vs. Steel Authority of India and others reported in 2000(6) SCC page 493. The Hon'ble Supreme Court has discussed the philosophy behind providing the appointments on compassionate grounds. However, there is no dispute about the principle laid down in the judgement. Hon'ble Supreme Court was considering the case of employee of Steel Authority of India where number of claimants were not as large as in the present case. Considering the large number of pending cases claiming compassionate appointment, the policy has been framed by the Central Government that only 5% posts of direct recruitment shall be released for such appointment and cases shall be considered according to merits and appointments shall be given only to more deserving cases. Following the aforesaid guidelines issued by Central Government, the respondents considered the claim of the applicant thrice. However unfortunately the case could not be of that degree of hardship which could be considered deserving for appointment.



appointment.

3. In these circumstances, it is difficult to find out that the procedure adopted by the Board, which has been filed with counter affidavit suffer from any error of law. The order do not suffer from any error of law. The O.A., has no merit and accordingly rejected.

No order as to costs.


Vice-Chairman.

Manish/-