

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NUMBER 35 OF 2001

WEDNESDAY, THIS THE 05th DAY OF MARCH, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

1. Smt. Asha Chaudhary,  
wife of Late Shri Jung Bahadur,  
r/o 43-3E, Shivkuti,  
Allahabad.
2. Shri Rajendra Kumar Chaudhary,  
s/o Late Shri Jung Bahadur,  
r/o 43-3E, Shivkuti,  
Allahabad. ....Applicants

(By Advocate : Shri S. C. Mandhyan)

**V E R S U S**

1. Union of India,  
through Controller and Accountant General,  
10, B.S. Jafar Marg,  
New Delhi.
2. Accountant General (Audit-I) U.P.,  
Indian Audit & Accounts Department,  
Satyanishtha Bhawan, 15-A,  
Dayanand Marg,  
Allahabad.
3. Senior Audit Officer (Welfare),  
Indian Audit and Accounts Department,  
Office of A.G. (Audit-I), Satyanastha Bhawan,  
15-A, Dayanand Marg,  
Allahabad. ..Respondents

(By Advocate : Shri A. Sthaleker)

**O R D E R**

By this O.A., applicants have challenged the orders  
dated 05.03.1998, 19.11.1998 and 10.04.2000 by which their  
claim for compassionate appointment has been rejected  
without giving any reason whatsoever.



2. It is submitted by the applicants that her husband died on 12.01.1998 while in harness and after suffering from cancer for considerable period of time. Since for the treatment of her husband, they had to take a huge amount of loan, therefore, after his death, the family was totally in distressed condition as they were left with the liability of repaying their said loans. Accordingly, she moved an application on 29.01.1998 to grant compassionate appointment to her third son namely Shri Rajendra Kumar Chaudhary. The same was rejected vide order dated 05.03.1998 (Annexure-I Page-17). No reason was assigned by the authorities while passing this order. Therefore, she gave a representation, which again was rejected on 19.11.1999 and 10.04.2000 (Page-18 & 19), once again stating therein that the case of applicant's son has not found to be covered under the compassionate appointment instruction and accordingly, the case has already been rejected.

3. It is submitted by the applicants counsel that once again no reasons were given by the respondents in their order that as to how the applicants have not fulfilled the condition laid down for grant of compassionate appointment. Therefore, these orders are liable to be quashed on this ground. Counsel for the applicant has submitted that respondents were required to look into the financial condition of the family before passing the orders on applicants representation but the orders passed do not show any application of mind as they

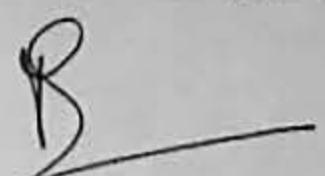


are passed in a mechanical and stereo type manner. Thus, they have prayed that the impugned order be quashed and respondents may <sup>be</sup> directed to re-consider the case of the applicants for grant of compassionate appointment.

4. The respondents have opposed the O.A. and have stated that late Shri Jung Bahadur was Senior Auditor, when he expired on 12.01.1998 at the age of 57 years 6 months leaving behind him his wife aged about 54 years; Shri Vinay Kumar Chaudhary, aged 38 years; Shri Ajai Kumar Chaudhary, aged 32 years and Shri Rajendra Kumar Chaudhary aged 26 years. Out of three sons, the elder son is self-employed, second son is employed in ITI and third son was stated to be studying. Moreover, applicant No.1 had received an amount of Rs.4,11,457/- after the death of the deceased employee. Therefore, this is not the case, which deserves to be granted compassionate appointment. They have also stated that the applicant is living in her own house and is also receiving family pension of Rs.3,679/- per month. Therefore, it cannot be said to be a case which falls within the definition of indigent circumstances. Accordingly, the case was rightly rejected by the authorities for grant of compassionate appointment.

5. I have heard both the parties and perused the pleadings as well.

6. Though, the respondents have given reasons in Counter



Affidavit for rejecting the claim of applicants for grant of compassionate appointment but a perusal of all the three impugned orders shows that no reasons were given by the authorities to the applicants at the time, when their application or representation was decided. Therefore, naturally, the applicants could not have known the reasons for rejection of her application for grant of compassionate appointment. Hon'ble Supreme Court has repeatedly held that whenever a representation or appeal is filed to the higher authorities, they should apply ~~to~~ their mind to the facts given and they <sup>should</sup> pass a detailed and reasoned order so that the order may satisfy the person concerned without dragging them to the court unnecessarily. But in the instant case, orders passed by the authorities have simply communicated to the applicant that her request has been rejected without giving any reason. Such type of orders are not appreciated. If the <sup>parties</sup> respondents are considered the case of the applicant and had come to the conclusion that there were substantive valid grounds for rejecting the claim, they should communicate the same to the applicant. Therefore, without expressing any view on the merits of the case, the impugned orders passed by the respondents are quashed and set aside and the matter is remitted back to the authorities to pass a detailed and reasoned order within a period of 2 months from the date of receipt of a copy of this order. The order shall be communicated to the applicants.

7. With the above direction, the O.A. is disposed of with no order as to costs.