

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 660 of 2001

Dated : This the 4th day of August, 2004

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

1. Smt. Karuna Devi Shukla, wife of Late Ram Bahadur Shukla.
2. Ratan Prakash Shukla, son of Late Ram Bahadur Shukla Both Resident of 25-A, Lajpat Rai Road, New Katra, Allahabad.

....Applicant.

By Advocate: Shri S.C. Mandhyan.

Versus

1. Union of India, Ministry of Defence, Government of India, New Delhi, through its Secretary.
2. The Director General of Ordnance Services, Master General of the Ordnance Board, Army Head Quarter, D.H.Q. T.O. New Delhi.
3. The Commandant, Central Ordnance Depot, Kanpur.

....Respondents.

By Advocate: Shri Rajeev Sharma

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By Hon'ble Mrs. Meera Chhibber, JM

By this O.A. applicants have sought the following relief(s):

- "(i) issue a suitable order or direction in the nature of certiorari quashing the impugned order dated 10.7.2000 passed by the respondentsx no.3;
- (ii) issue a order or direction in the nature of mandamus directing the respondents to appoint the applicant no.2 on class III post in relaxation to normal recruitment rules i.e. on compassionate ground.



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(iii) issue such other and further order or direction which this Tribunal may deem fit and proper in the nature and circumstances of the case.

(iv) award costs of the present application to the applicants."

2. It is submitted by the applicant no.1 that her husband died on 21.10.1996 while working in C.O:D., Kanpur leaving behind mother, widow, one son and two daughters. They were given terminal benefits and family pension but all the members of family were depend upon the deceased employee, they had no moveable or immovable property and they were living in the rented house, therefore, applicant no.1 gave an application on 24.12.1996 to the authority for giving compassionate appointment to her son. Her request was rejected on 24.4.1998(page 16). She gave an application again on 27.12.1998(page 19), which was rejected on 24.9.1999 (page 21). She again applied, third time, on 14.10.1999 (page 23) but her claim was rejected on 10.07.2000(page 12). Grievance of the applicant in this case is that even though respondents have rejected her claim three times but in all the ^{letters} ~~times~~ no reasons were assigned with regard to the financial status of the applicant and the orders were passed in stereo type manner without passing any reasoned order. She has, thus, prayed that the relief(s) as claimed, may be granted to her.

3. Respondents have opposed this O.A. and have tried to explain the reasons as to why the case could not be recommended for grant of compassionate appointment. They have submitted that the case of applicant no.2 was put up before ^{board of} officers, who considered the size of the

family, liability, terminal benefits received, pension, earning member of the family and moveable or immovable property and annual income of each of the listed candidate but due to limited vacancies and availability of more deserving candidates applicant no.2 could not ~~find~~ ^{find B} place amongst the selected candidates, as he got only 36 points whereas the last selectee got 44 points amongst 26 candidates for 5 vacancies. This fact was intimated to the applicant by letter dated 26.6.1998. The same position was in the second attempt as well, which was communicated to the applicant by letter dated 10.7.2000. They have, thus, submitted that there is no merit in the O.A. and the same may be dismissed.

4. I have heard both the counsel and perused the pleadings as well. Though in the C.A. respondents have tried to explain the reasons as to why applicant could not be selected for grant of compassionate appointment but perusal of all the three orders passed by respondents while rejecting the claim, show that the ^{were B} orders ^a passed ~~is~~ in stereo type manner without showing the number of vacancies available and how applicant was found to be less deserving than other deserving candidates and what ~~was~~ the marks obtained by the applicant or last selectee person for compassionate appointment. Even though ^{we} we could have decided this matter finally after reading the C.A. but this practice of respondents is not at all ^{Everyday B} appreciated. We are remitting the matters back to the respondents for passing reasoned order yet they are passing the same kind of mechanical order in case after case, which forces ~~to~~ the applicants to come to the Court because they don't even know the reasons why their case has been rejected. Hon'ble Supreme Court has repeatedly held that whenever the representation is given by the person to the authorities,

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the ~~List~~ that is ~~accepted by~~ them, is to pass a reasoned order so that it may satisfy the person concerned at that stage itself, without dragging him to the Court of law. In fact by passing these stereo type orders, respondents are only increasing the litigation unnecessarily, therefore, I am quashing all the three orders passed by the respondents and remitting this matter back to the authorities with a direction to re-consider the case of applicant and pass speaking order within a period of 3 months from the date of receipt of a copy of this order under intimation to the applicant.

5. With the above direction the O.A. is disposed off with no order as to costs.

Member-(J)

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