

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 513 of 2004

Dated: This the 21st day of September, 2004

HON'BLE MRS. MEERA CHHIBBER, J.M.

1. Smt. Vimla Devi, aged about 55 years, W/o Late Raj Bali Singh, resident of H.No.26/108, Roti Godam, Guru Prasad Ka-Hata, Pheelkhana, Kanpur Nagar.
2. Sri Vijay Singh, aged about 23 years, S/o Late Raj Bali Singh, Resident of H.No. 26/108, Roti Godam, Guru Prasad Ka-Hata, Pheelkhana, Kanpur Nagar.

...Applicants.

By Advocate: S/Shri N.K.Nair, M.K.Upadhyay

V E R S U S

1. Union of India, through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. The Director General, Research and Development, Directorate of Personnel (PERS-9) Defence Research & Development Organization, Govt. of India, Ministry of Defence, B-Wingh, Sena Bhawan, DHQPO, New Delhi-100 011.
3. The Director, DMSRDE, Ministry of Defence, Government of India, G.T.Road, Kanpur-Nagar.

....Respondents.

By Advocate: Shri V.K.Pandey

O R D E R

By Hon'ble Mrs. Meera Chhibber, J.M.

By this O.A. applicant has sought quashing of the letter dated 03.02.2004 whereby her request, for granting compassionate appointment to her son, has been rejected on the ground that the family is not considered to be indigent and also that a vacancy is not available within the prescribed quota for compassionate appointment (page 14).

2. It is submitted by the applicant that her husband



...page 2/-

died on 30.09.2002 in harness leaving behind a large family consisting of his widow, two sons and four daughters. Out of two, one son and two daughters are married but one son and two daughters are still to be married. It is specifically stated by the applicant that neither any legal heirs of deceased is having any gainful employment or business nor any other source ^{and not B} of income. Even family, have ~~not~~ any immovable property. They are living in a rented house.

3. Grievance of the applicant is that even though respondents have called upon the applicant to send the documents as were desired by them by letter dated 07.10.2002, but even after giving those documents, the request of applicant for compassionate appointment has been rejected in stereo type manner without considering the financial distress being faced by the family members.

4. Counsel for the respondents was seeking time to file reply to the O.A. but I do not think it would be necessary at this stage to call for the C.A. because correctness of order has to be seen on the basis of reasons given in the order itself and the reasons cannot be improved by way of filing an additional affidavit.

5. Perusal of the impugned order shows that even though it has been recorded that condition of the family is not considered to be indigent but no reason have been assigned as to how respondents have come to this conclusion, as no reasons have been assigned in the order. Even though applicant has stated categorically that she has ~~not~~ immovable property or anyother source of income nor any other family member is in Government service or business, therefore, the least that was excepted of respondents was to give the reasons for having come to the conclusion by stating

in this R
them ~~by~~ letter dated 03.02.2004. Hon'ble Supreme Court
has repeatedly held that whenever a person, who is
aggrieved, gives representation to the authorities
~~that is to be expected~~ concerned, the least ~~can be expected~~ to consider
the same and pass a reasoned and detailed order within
a reasonable time so that it may satisfy the person
concerned at that stage itself without dragging them
into Court of law.

6. It is rather unfortunate that still respondents
are continuing to pass non-speaking orders as a result
of which persons are made to run to the Court of law,
therefore, in my considered view, the order as has been
passed by the respondents is not sustainable in law,
accordingly the same is quashed and set aside, matter
is remitted back to the authorities concerned with a
direction to consider the various aspect of the family
like the size of the family, age of the children whether
they are married or unmarried, minor or major, whether
family owns a residential house of their own and whether
they have any source of income or not and then pass a
reasoned order in accordance with law within a period
of two months from the date of receipt of a copy of this
order under intimation to the applicant.

7. With the above direction the O.A. is disposed
off at the admission stage itself with no order as to costs.


Member-J