

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.753 of 2004

Allahabad, this the 20th day of July, 2007

Hon'ble Mr. K.S. Menon, Member-A

1. Smt. Chand Muni Devi widow of late Nathuni Prasad, resident of Village & Post Dewal, District Ghazipur.
2. Shiv Raj Kumar son of late Nathuni Prasad, resident of Village & Post Dewal, District Ghazipur (U.P.).

...Applicants

(By Advocate : Shri S. Dwivedi)

Versus

1. Union of India through the Secretary Ministry of Defence, Government of India, New Delhi.
2. The Director General, Ordinance Services, Army Head Quarter, DHQ, P.O., New Delhi.110011.
3. The Commandant, Central Ordinance Depot, Chheoki, Allahabad.
4. The Board of Officers, Constituted for selection for appointment on compassionate ground, under Head Quarter Central Command, through its Chairman.

Respondents.

(By Advocate : Shri R.K. Tiwari)

O R D E R

By this OA, the applicants are challenging the impugned orders dated May, 2001, 25.1.2002, 30.4.2002 and 24.1.2002 passed by respondents, which are Annexure A-1 to A-4 to the Compilation 1) and seeking the relief for quashing of the orders. The applicants are aggrieved by the fact that no detailed reasons have been given in the impugned orders by which their case was not considered in all the three years. They further state that in case the vacancy is not available in the department, the

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case could be referred to other Ministry/Department/Office for giving employment on compassionate ground under the Scheme framed by Government of India. Learned counsel further states that the applicant is the only earning member of the family and has two minor daughters and the respondents are not considering the case for compassionate appointment. He states that the family has no source of income and as such, the financial condition is very serious.

2. Learned counsel for the respondents states that the compassionate appointment case has been considered on three occasions by the Relaxation Committee and the case of the applicant was not found fit for grant of compassionate appointment in view of the fact that the deceased employee was paid Rs.153203/- and family is getting Rs.2958/- per month as family pension and applicant No.2 earns Rs.900/- per month. Counsel for the respondents further submits that the deceased family has some property, therefore, in view of this; the Relaxation Committee has not considered the case of the applicant as there were other deserving similarly placed candidates. In Para 24 of the counter, counsel for the respondents states that it is incorrect to say that no speaking order has been passed and states that the impugned orders passed are speaking orders because it contains the number of vacancies, total number of candidates and rank of the applicant. Further in Para 25, counsel for the respondents states that the procedure for dealing with compassionate appointment cases has duly been considered by the CAT Calcutta Bench in OA No.323/99 vide order dated 27.4.2001 in the case of Smt. Shakuntala Devi & ors. Vs. Union of India & ors. He further says that there is no unfairness in dealing with the case by the department and since the case has been considered on three occasions by the



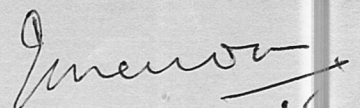


Relaxation Committee and orders have been passed in consultation with the Army Headquarters, the case should be finally closed as per orders of Hon'ble Supreme Court.

3. Heard both the counsel for the parties and also gone through the pleadings available on record.

4. I find that the Relaxation Committee has duly considered the case of compassionate appointment on three different occasions. I am of the view that this Tribunal cannot direct the respondents to give compassionate appointment, nor is the Tribunal inclined to interfere with the procedure adopted, which is transparent and reasonable orders have been passed by the department. However on going through the impugned orders as Annexure-A-1 to A-4, <sup>2</sup> it is seen that apart from mentioning the rank of the applicant, no other reasons have been given for rejecting the case of the applicant. Since the procedure laid down has been followed, there should be absolutely no reason for the respondents not to state the reasons why the compassionate appointment was not given to the applicant.

5. In the interest of justice, therefore, the applicants are directed to submit a representation to the respondents and the respondents shall dispose of the same within a period of three months from the date of receipt of such a representation clearly stating the actual reasons as to why the applicant's case could not be considered. The OA is accordingly disposed of with no order as to costs.

  
Member-A