

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1045 OF 2004

ALLAHABAD THIS THE 22ND DAY OF SEPTEMBER,2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

1. Smt. Laxmi Devi,
W/o Shri Raj Karan Verma
aged about 52 years,
R/o 72A, Ram Puram, Shyam Nagar,
Kanpur-208013.

2. Sarvajeet Verma, aged about 27 years,
S/o (Late) Shri Raj Karan Verma,
R/o 72A, Ram Puram, Shyam Nagar,
Kanpur-208013.

.....Applicant

(By Advocate Sri J.S. Verma)

Versus

1. Union of India,
through the Secretary,
Ministry of Defence,
DHQPO, New Delhi-110011.

2. The Commandant, Central Ordnance Depot,
Kanpur-208013.

.....Respondents

(By Advocate Sri Saumitra Singh)

O_R_D_E_R

By this O.A. applicant has sought quashing of
the letter dated 22.11.2001 whereby her claim for
compassionate appointment has been rejected. She further *has*



sought a direction in the nature of a writ of mandamus to appoint petitioner no.2 on the post of Lower Division Clerk from the date when other persons have been appointed on compassionate ground with all consequential benefits.

2. The brief facts as alleged by the applicant are that the husband of applicant no.1 Late Shri Raj Karan Verma was working as Lower Division Clerk at Central Ordnance Depot, Kanpur. He died in harness on 22.01.1999 due to serious heart attack after prolonged illness. He left behind his widow i.e. applicant no.1, Son i.e. applicant no.2 and a daughter. However, the daughter was married during the life time of the employee. Since her husband was suffering from heart problem he had to be treated in a private nursing home, so all the savings were spent on his treatment, even applicant no.1 is not keeping well and is not permitted to do any strenuous work. They had been given only an amount of Rs.1,92,122/- as GPF, Rs.30,000/- as Gratuity and another amount of Rs.10,000/- on account of Leave Encashment. Applicant no.1 is getting family pension of Rs.3400/-p.m. which is not sufficient for feeding a family of three persons as the son is also married. Applicant had given application on 06.03.1999 seeking compassionate appointment in favour of her son but the request has been turned down by a non-speaking order.

3. It is further stated that applicant no.2 sent his application to the Hon'ble Defence Minister on



23.03.2000 who had directed the applicant no.2 to file his application, which according to the applicant, shows that the vacancy was very much available. Even otherwise it is submitted that applicant is being discriminated against, in as much as another person Shri Praveen Kumar who was working in CR Section has been given appointment on compassionate grounds on the death of his father Late Shri R.P. Rai as Lower Division Clerk in August 2003. He has thus, submitted that this is a fit case which calls for interference by the Tribunal.

4. Counsel for the respondents was seeking time to file reply, however, I do not think it necessary to call for reply at this stage, because perusal of the impugned letter dated 22.11.2001 shows that request of applicant has been rejected in a stereo-type manner which shows total non-application of mind. It ~~is~~ ^{does & B} not even show that the financial status of the family was taken into consideration by the department ~~and~~ ^{as in B} simply states that applicant's case could not be selected due to relative hardship in the face of more deserving cases and limited number of vacancies at relevant point of time. Nothing is mentioned as to how many vacancies were available in the department and how many marks ~~were~~ received by the applicant. In the Ministry of Defence they have laid down a criteria, on the basis of which, cases of compassionate appointment are to be decided. According to the said scheme, department is required to give marks under different headings namely size of family, Number of



minor childrens, whether they are minor or major whether they have any pakka house whether family has an immovable property whether they have any other source of income or any member of the family is in service, then after calculating above marks, a list has to be prepared as per the merit and only such of the candidates are to be recommended ^{who} to come within the limited number of vacancies meant for compassionate appointment. The respondents ought to have thus, explained the position as to how many marks was received by the applicant and how many marks was received by the other persons who were recommended by the respondents. Since none of these facts have been mentioned are taken into consideration in the said order, therefore, the same is not sustainable in law. Accordingly this matter is remitted back to the authorities with a direction to re-consider the case of applicant, in accordance with the parameters as mentioned above, and then to pass a reasoned and detailed order under intimation to the applicant within three months from the date of receipt of a copy of this order.

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



Member-J

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