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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 30th day of JANUARY 2008.

ORIGINAL APPLICATION NO. 925 OF 2005.

Hon'ble Mr. K.S. Menon, Member (A)

1. Smt. Mahadevi Verma, widow of late Achchhe Lal, R/o K-621, Yashoda Nagar, (Near Police Cahuki) Kanpur Nagar.
2. Shiv Kumar, S/o late Achchhe Lal, R/o K-621, Yashoda Nagar, (Near Police Cahuki) Kanpur Nagar.

.....Applicants

By Adv: Sri H.P. Pandey

Versus.

1. The Union of India through Director General, Ordnance Factories Govt. of India, Ministry of Defence, New Delhi.
2. General Manager, Ordnance Parachute Factory, Napier Road, Kanpur.
3. Works Manager, Ordnance Parachute Factory, Napier Road, Kanpur.

.....Respondents

By Adv: Sri S. Singh

O R D E R

This OA has been filed against the impugned order dated 18.03.2001 by which the applicants claim for compassionate appointment has been rejected by the respondent No. 2 on the ground that the family was in receipt of terminal benefits amounting to Rs. 5,16,031/- and in view of this the family was not considered to be in indigent circumstances. The applicant submits that the reasons given in the impugned order differs from that of the verification report submitted by welfare office of the Ordnance Factory. Beside this he submits that two brothers

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were treated to be employed as Casual Labour and Painter respectively. It is further stated by the applicant that their case has not been considered strictly in accordance with rules on the subject nor they have been given chance for personal hearing. In view of this they have sought that the impugned order dated 18.03.2001 and 11.04.2001 and 20.12.2004 (these last two orders were passed on subsequent representation) be quashed and further direct the respondents to reconsider the applicants case on compassionate grounds as per Govt. policy.

2. The respondents on notice filed counter affidavit. While refuting the averments made by the applicant the respondents state that besides the terminal benefit of Rs. 5,16,031/- the family is in receipt of family pension to the tune of Rs. 3525 + DA as sanctioned from time to time. Subsequently, their pension was revised to Rs. 2500 + DA as admissible. The respondents state that the case of the applicants was rejected as it was established that the family was not in indigent circumstances. Further they mentioned that the applicant has filed representation claiming compassionate appointment after the expiry of more than 03 years from the date of death of the deceased employees. They state that on each occasion when the applicants case was considered they have intimated the applicant accordingly.

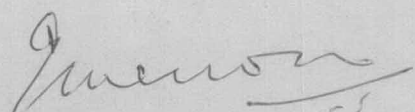
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3. I have gone through the contents of CA, OA, annexures attached and the RA.

5. Admittedly, the respondents have considered the case of the applicants in detail and have listed out the reasons in the counter affidavit for rejection of the same. It is seen from the impugned order dated 18.03.2001 that it is not a reasoned and speaking order in which all the provisions of the policy of the Govt. and the circular issued by the Ministry of Defence are adequately annexed in so far as the applicants are concerned. This is, however, has not been done.

5. The ends of justice would be met, if the respondents are directed to reconsider the applicants case and pass the detailed reasoned and speaking order in accordance with DOPT OM dated 09.10.1998 and correspondence issued by the Ministry of Defence on the subject as well as judicial pronouncements that have been made in similar cases within a period of 03 months from the date of receipt of a copy of this order.

6. The OA is accordingly disposed of with the above direction. No cost.


Member (A)

/pc/