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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated: This the 16<sup>th</sup> day of May , 2006.

Original Application No. 101 of 2005

Hon'ble Mr. K.B.S. Rajan, Member (J)

Abhishedk Raj, S/o late Mahesh Temple, Kanpur City.

.....Applicants

By Adv: Sri R.P. Srivastava

V E R S U S

1. Union of India through its Defence Secretary,  
Ministry of Defence, New Delhi.
2. General Manager, Ordnance Equipment Factory,  
Phoolbagh, Kanpur.
3. Additional Director, Ordnance Equipment  
Factory, Group Headquarter, G.T. Road, Kanpur  
City.
4. Karya Prabandhak/Prashashan Ordnance Equipment  
Factory, Kanpur.

.....Respondents

By Adv: Sri S. Singh

O R D E R

The case of the applicant for compassionate appointment has been rejected on the ground that as per the Ministry of Personnel OM No. 627/99/Estt. Dated 09-03-1999, compassionate appointment could be granted only to one of the family members and since the mother of the applicant, in the wake of the demise of the father of the applicant, has been granted compassionate appointment, on her death

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compassionate appointment cannot be considered. The question is whether the respondents are right in rejection of the case of the applicant.

2. Brief facts as contained in the OA:-

- (a) Ishwardeen the applicant's grand father died in harness on 22.1.1983. Mahesh Kumar, applicant's father was appointed as Class IV employee on compassionate ground in December 1984.
- (b) Mahesh Kumar, father of the applicant also died in harness on 26.4.1999 due to T.B.
- (c) Smt. Laxmi Devi, mother of the applicant was appointed on 23.12.2000 as Class IV employee on compassionate grounds.
- (d) Smt. Laxmi Devi mother of the applicant expired on 10.7.2003 due to Cancer. Smt. Laxmi Devi had one son (applicant) and two daughters. The applicant sent an application dated 10.9.2003 to the respondent no.2 for his appointment on compassionate ground in place of his mother under dying in harness Rules.
- (e) The applicant sent several reminders to the respondent no.3, but the respondent no.2 rejected the claim of the applicant on compassionate ground vide his orders dated 19.7.2004 and 3.12.2004.

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3. Respondents contend, as stated in para 1 above that as the mother herself is an appointee under compassionate appointment in her death the case of the applicant cannot be considered.

4. Arguments were advanced, on the above lines. The applicant's counsel contended that the applicant's seeking the appointment is in the wake of the demise of the mother who was the bread winner and not on the demise of his father. In fact the father of the applicant himself was an appointee under compassionate ground as he got it in the wake of the applicant's Grand Father's death. Following the death of the father of the applicant, the mother got the appointment. This itself goes to show that when an individual died leaving a family, compassionate appointment is available for consideration of any one of the family members.

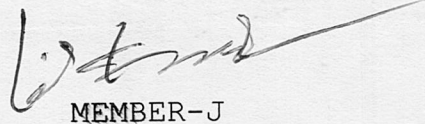
5. By being appointed on compassionate appointment, an individual attains the same status and his family is entitled to the same concession as any one being appointed on direct recruitment and his family. Thus, when the grand father of the applicant was appointed, his family had the benefit to seek appointment on compassionate ground. Result, the father of the applicant was so granted. On his appointment, the father of the applicant became government servant and on his demise to look

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after his family, the mother applied for and got appointment on compassionate ground. Now the mother too died, leaving behind the applicant and other dependents and hence, the applicant has applied. Without considering the case of the applicant as per the normal rules, the respondents have rejected the claim on the ground that once his mother has been appointed on compassionate ground on the death of her husband, the quota for compassionate appointment is over so far as that family is concerned and hence, the case of the applicant cannot be considered. This view is thoroughly wrong. The applicant is certainly entitled to the benefits of compassionate appointment, in accordance with normal rules and therefore his case shall have to be considered by the respondents. Rejection in limine on the above ground is illegal.

6. The OA is therefore, allowed. Respondents are directed to consider the case of the applicant as per the normal rules and if the case of the applicant is found deserving under the existing norms, he be granted and if not, decision be communicated, by giving a detailed and speaking order, including giving particulars of the marks obtained by him as per the extant rules and also by giving details as to how any other case wherein the appointment has been given has been found more deserving. No cost.

  
MEMBER-J

GIRISH/-