

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

....

ORIGINAL APPLICATION NO. 1395 of 2003.

this the 17th day of November 2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

1. Smt. Kamala Devi, aged about 65 years, w/o late Sri Kishan Lal, R/o Kachchi Sarak (phulwariya Road), Daraganj, Allahabad.
2. Ajeet Singh, S/o late Sri Kishan Lal, R/o Mohalla 87 Kachchi Sarak (phulwariya Road), Daraganj, Allahabad.

Applicants.

By Advocate : Sri D. Prasad.

Versus.

1. Union of India through Ministry of Defence, South Block, New Delhi.
2. The Commandant, Central Army Headquarters, Lucknow.
3. The officer in charge, AOC, (Record) P.B. No. 3, Trimoolgheri, Sikendrabad.
4. The Commandant, Ordnance Depot Fort, Allahabad.

Respondents.

By Advocate : Sri R.C. Sjosshi.

ORDER

By this O.A., the applicants have challenged the order dated 8.8.2001 (page 22) whereby the applicant no.1 has been informed that her son could not find place in the merit in the face of more deserving cases and limited number of vacancies. Thus, the case stands rejected finally. In the said order the applicant no.1 has been given advised to get the name of the applicant no.2 registered with the Employment Exchange for a job suitable and the caste certificate in original was also sent.



no.1

2. It is submitted by the applicant/that her husband late Sri Kishan Lal, father of the applicant no.2 died on 9.11.1995 while working as Tailor Mate in the Ordnance/<sup>Depot</sup>Fort, Allahabad, as a permanent employee. He left behind him apart from applicant nos. 1 & 2, his ailing elder son and his family. They have neither any other source of income, nor any residential accommodation in their name. They belong to lowest status of the society as they belong to S.C. community and since the financial condition of the applicant no.1 is very bad, the applicant no.2 was entitled for grant of compassionate appointment. The applicant no.1 also submitted that her elder son died immediately after death of her husband leaving behind his family also who have to be taken care of by the applicant no.1.

3. The counsel for the respondents was seeking time to file reply to the O.A., but looking <sup>at R</sup> the reply given to the applicant, I do not think that any purpose would be served as in the Counter affidavit the respondent cannot improve their case, when the order is challenged in the court of law, We have to go by the reasons assigned by the respondents in the said order. The only reason given by the respondents in the impugned order is that the applicant no.2 could not come in the merit in the face of more deserving cases and limited number of vacancies. This is a very vague kind of reasoning as neither the respondents have given the marking obtained by the applicant no.2 as compared to those candidates who have been recommended by the Board of officers for grant of compassionate appointment, nor it has been dealt with as to what is the financial condition of the family including the liabilities of the deceased employee. The Hon'ble Supreme Court has repeatedly held that whenever a representation is given to the authorities concerned, they are expected to pass a reasoned and speaking order so that it may satisfy the employee concerned by knowing the reasons without dragging them <sup>to</sup> the court of law. In the instant case,



if the respondents had passed a detailed order, there was no need for the applicant to file the present O.A. ~~however~~, I am not satisfied with the order passed by the respondents, therefore order dated 8.8.2001 is quashed and set-aside. The matter is remitted back to the authorities concerned with a direction to pass a reasoned and speaking order dealing with the financial condition of the family of the deceased employee as compared to those candidates who have been recommended for grant of compassionate appointment. This exercise shall be completed by the respondents within a period of three months from the date of receipt of copy of this order under intimation to the applicant.

4. With the above direction, the O.A. stands disposed off at admission stage itself with no order as to costs.



MEMBER (J)

GIRISH/-