

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NO. 1437 OF 2003.

ALLAHABAD THIS THE 29th DAY OF MARCH 2007.

HON'BLE MR. JUSTICE KHEM KARAN, V.C.

1. Smt. Bhikha Devi w/o late Sri Muneshwar.
2. Vinod Kumar son of late Sri Muneshwar.
Both Resident of Village Bhawani Khera, Post Office Bara, District Unnao.

.....Applicants

(By Advocate : Sri B.D. Shukla)

VERSUS.

1. Union of India through its Secretary, Ministry of Defence, New Delhi.
2. Director, Defence Material and Stores Research and Development Establishment D.M.S.R. and D.F Post Office G.T. Road, Kanpur Nagar.

.....Respondents

(By Advocate : Sri V.K. Pandey)

ORDER

Heard Sri B.D. Shukla, learned counsel for the applicant and Sri V.K. Pandey, learned counsel for the respondents.

2. The applicants Smt. Bhikha Devi and Vinod Kumar have filed this O.A. with a prayer that order dated 7.5.2003 passed by respondent NO.2 conveying the rejection of candidature of applicant No.2 for compassionate appointment be quashed and respondents be directed to give him appointment on compassionate ground.
3. Their case, in brief, is that late Muneshwar, husband of Smt. Bhikha Devi and father of Vinod Kumar, was permanently employed under respondent NO.2 at Kanpur Nagar and he died in harness on 25.6.1998. It is said that request was made by the applicant No.2 for appointment on compassionate grounds. Copy of the application is Annexure 3. The applicant No.2 claimed that he was intermediate and there was no



2.

source of livelihood and financial condition of the family was extremely bad. It appears that they filed one O.A. No.1461/02, Smt. Bhikha Devi and others Vs. Union of India and others, which this Tribunal decided vide order dated 31.3.2003 directing the respondents to consider their representation. Now respondent NO.2 has rejected the request for compassionate appointment vide order dated 7.5.2003 (Annexure No.1), which is being assailed in this O.A.

4. The impugned order is not speaking one. It does not disclose as to whether the case of the applicant was considered by the Board of Officers as provided in the relevant guidelines, contained in D.O.P&T O.M 14014/5/94-Estt (D) dated 9.10.1998 as modified from time to time and provided i.e. letter dated 27.10.2004, issued by Govt. of India Ministry of Defence, Department of Defence Production, Director General Quality Assurance. On the previous date i.e. 20.9.2006, the Tribunal wanted to know from the respondents as to whether the case of applicant No.2 was considered by the Board of Officers. This point has not been cleared even today.

5. I think, it would be proper if the said decision dated 7.5.2003 is quashed as it does not appear that the Board of Officers have considered the matter in accordance with relevant guidelines on the subject and ask the respondents to get the matter reconsidered in accordance with the relevant guidelines issued on the subject of compassionate appointment. The rejection of the applicant claims on the sole ground that he was of a particular age at the time of making the request for compassionate appointment irrespective of poor financial status of the applicant does not appear to be proper.

6. So, the O.A. is finally disposed of and order dated 7.5.2003 is hereby quashed. Respondent No.2 is directed to ensure that the case of the applicant is re-considered by the Board of Officer as provided under the relevant guidelines mentioned above within a period of 4 months from the date certified copy of this order is produced before him.

No costs.

*C. J. M. 28-3-07
V.C.*