

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 27th day of March, 2003.

Original Application No. 212 of 2003.

Hon'ble Mrs. Meera Chhibber, Member- J.

Ibrahim S/o Nasiruddin
R/o 24/26, Naharganj, Tajganj, Distt. Agra.

.....Applicant

Counsel for the applicant :- Smt. Anita Tripathi

V E R S U S

1. Union of India through the Secretary, M/o Defence, Government of India, New Delhi.
2. Director General, Ordnance Services, Directorate General of Ordnance Service, Master General of Ordnance Branch, Army Head Quarter, DHQ, PO New Delhi, 110011.
3. Joint Director, Ordnance Services, Directorate General of Ordnance Service, Master General of Ordnance Branch, Army Head Quarter, DHQ, P.O New Delhi- 110011.
4. The Commandant, Central Ordnance Depot, Agra.
5. The Assistant Personal Officer (Civil), Central Ordnance Depot, Agra.

.....Respondents

Counsel for the respondents :- Sri P. Krishna

O R D E R (Oral)

In this O.A, grievance of the applicant is, that his father late Sri Nasiruddin was working on the post of Tailor in Central Ordnance Depot, Agra when he died on 23.08.1996 while in service leaving behind his wife, four sons and two daughters. The applicant moved aⁿ application for compassionate appointment on 18.11.1996 which was rejected by the respondents on 13.02.1998 on the ground that he could not be selected for employment on the basis of laid down criteria to determine relative hardship in view of more

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deserving cases and limited number of vacancies but, in case, he still needs he may apply for compassionate appointment again. Therefore, applicant again applied on 03.03.1998. The respondents again rejected the case vide their letter dated 21.01.2000 by reiterating their earlier letter. Therefore, applicant again filed an application on 13.03.2000 and once-again the same reply was given to the applicant vide letter dated 28.11.2001 and by another letter dated 28.11.2001 the applicant was also informed that as per the existing rules all cases of compassionate appointment have to be considered within one year from the date of death of government servant and since his father had died on 23.08.1996 his case has now become five years old as such he cannot be considered for compassionate appointment. Being aggrieved the applicant gave a representation on 18.10.2002 which was rejected by the respondents vide their letter dated 30.10.2002, finding no other remedy the applicant has filed the present O.A.

2. It is stated by the applicant's counsel that in none of the letters issued to the applicant earlier respondents have given any reason as to why applicant could not be selected for grant of compassionate appointment except saying that there are more deserving cases and limited number of vacancies. She has submitted that all the three letters are issued in stereotype and mechanical manner which shows total non-application of mind and they have themselves asked the applicant to apply again ~~thus~~ raising the hope in the applicant's mind that he would be granted the compassionate ^{be B} appointment. Therefore, it would not be open to the respondents to reject his case by saying that now the case is five years old. To substantiate learned counsel for the applicant has relied on 2001 (2) ESC (All.) 501 in case of Jagdish Ram vs. Central Administrative Tribunal, Allahabad Bench and ors. wherein Hon'ble High Court had held that if respondents took their own time in deciding the case of applicant then it



cannot be rejected on the ground that is is an old case.

3. I have heard counsel for parties and perused the pleadings as well.

4. Learned counsel for respondents was seeking time to file~~s~~ reply to the O.A but since in none of the letters written by the respondents to the applicant ~~any~~ reasons have been given to show as to how applicant's case was not deserving case and how there were more deserving cases than the applicant, coupled with the fact that each time respondents had been writing to the applicant to apply again. Naturally the applicant would be under legitimate expectation that he would be granted the compassionate appointment. I have repeatedly remitted these kind of cases back to the authorities for reconsideration as the~~s~~ orders, passed by the respondents are to drag the applicant to the court unnecessarily. Even Hon'ble Supreme Court repeatedly held that whenever the representation or appeal is filed to the authority concerned they should pass a reasoned and speaking order thereon. The orders passed by the respondents in the instant case are merely in a format, ~~itself~~ issued mechanically without any application of mind. Therefore, without giving any chance to the respondents to file their reply I am remitting back the matter to the authorities to consider the case of applicant in accordance with law and then pass a reasoned and speaking order dealing with the financial condition and other relevant factors with regard to grant of compassionate appointment namely the liabilities left by the deceased employee, whether the children are minor or major or there is any earning member in the family, source of income and whether the family had sufficient income or Agricultural land or their own house to show that they could survive without immediate assistance from the department. They should also explain as to how they ~~show~~ say that there were more deserving cases

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^{they} ~~the~~
than the applicant when rejected the ~~the~~ claim of the
applicant for the ^{first} ~~next~~ time.

5. With the aforesaid direction the O.A is disposed of
at the admission stage with no order as to costs.



Member- J.

/Anand/