

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated this the 18.....day of March, 2010.

CORAM:

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

Original Application No. 1058 of 2006  
(U/s 19 of the Administrative Tribunals Act 1985)

Kumari Lal Mati,  
D/o Late Smt. Kusum Devi,  
Widow of late Ram Bachan,  
Resident of 198/6 Shastri Nagar,  
Kanpur. .... Applicant

(By Adv. S/Shri A.Tripathi/ R.K.Pandey/ A.K.Srivastava/  
M.Bhargava/ V.M. Tripathi)

V E R S U S

1. Union of India through Secretary,  
Ministry of Defence,  
Government of India, New Delhi.
2. The General Manager,  
Small Arms Factory, Kanpur Nagar.
3. The Director General,  
Ordnance Factory Board,  
10-A Shahid Khudiram Bose Road,  
Kolkata. .... Respondents

(By Adv: Sri. Anil Dwivedi )

ORDER

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

This is a case of compassionate appointment. The applicant Kum. Lal Mati has applied for appointment on compassionate grounds on the death of her mother on 11.6.2003 and her application has been rejected vide impugned orders dated

*(Signature)*

18.4.2005(Annexure A-5), according to which she has been informed that her mother Smt. Kusum Devi has also been appointed on compassionate grounds on the death of her father late Shri Ram Bachan. Therefore, her case for compassionate appointment cannot be considered as her mother has already been given compassionate appointment.

2. In the counter affidavit filed by the respondents a large number of reasons have been given for not giving compassionate appointment to the applicant, but, no rule has been quoted saying that compassionate appointment can be given only once to a family.
3. On the other hand, the applicant has filed a supplementary affidavit dated 24.11.2009 wherein she has annexed instructions No.3209/A/A dated 17.8.2009 placed at Annexure SA-1. The relevant portion of the instructions reads as below:

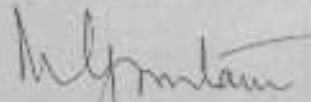
*"Compassionate appointment after the demise/retirement on medical grounds of the Govt. Servant, may be provided to one dependent family member of the Govt. servant, as a one time measure. However, the person appointed so on compassionate grounds, is a regular employee in Government and as such enjoys all the benefits by virtue of being a Govt. servant, including that of the scheme for compassionate appointment. This follows that, benefit of compassionate appointment can be given to his/her dependent family member also, subject to fulfillment of the conditions stipulated in the scheme."*

*[Handwritten Signature]*

4. From the above, it is abundantly clear that compassionate appointment can be given to the dependent of a person who has been appointed on the basis of compassionate grounds since he/she acquires all the rights of the government servant including that of compassionate appointment.

5. In view of the above, it is clear that the application of the applicant has been wrongly rejected. Therefore, impugned orders dated 18.4.2005 are quashed and set aside with a direction to the respondents to consider the case of the applicant in the light of the instructions dated 17.8.2009 within a period of two months from the date of receipt of a copy of this order.

6. O.A. is disposed of as above. No costs.

  
MEMBER(A)