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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 1142 of 2007

Friday this the 23rd day of November, 2007

Hon'ble Mr. K.S. Menon, Member (A)

Smt. Nisha Srivastav, W/o Late No. 13892238 CMD II N.B. Srivastav r/o 314 A Talari Bazar P.O. - 4 Vahini P.A.C. Dhoomanganj, District Allahabad.

Applicant

By Advocate Sri S.K. Singh

Versus

1. Union of India through Secretary of Defence Ministry, New Delhi.
2. The Directorate General of Supply and Transport Quarter Master General's Branch Integrated HQ MOD (Army) DHQ PO New Delhi-110011.
3. HQ Central Command C/o 56 APO.
4. Commanding Officer 755 (I) Tpt PI ASC (Civ GT) C/o 56 APO.

Respondents

By Advocate Sri Saumitra Singh

ORDER

By K.S. Menon, Member (A)

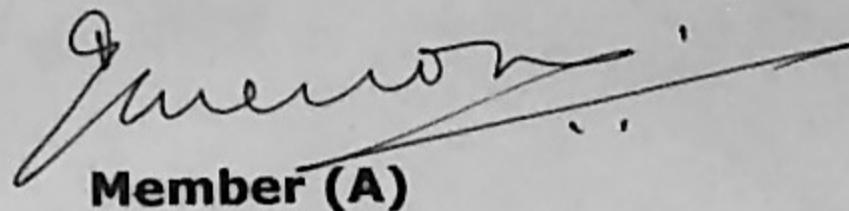
This O.A. is filed against the impugned order dated 15.06.2007 passed by respondent No.2 by which applicant's claim for compassionate appointment in place of her Late husband who died on 18.05.2005 has been rejected. The impugned order dated 15.06.2007 is a clear reasoned and speaking order in which the basis on which applicant's claim was rejected, has been spelt out. The respondents have indicated that after taking into account all the aspects of the case and having considered it sympathetically, the applicant has earned '64' points out of 100, whereas the candidates earning '80' or more points have been considered as deserving in view of vacancy position. Learned counsel for the applicant states that while calculating the terminal benefits made available to the applicant, the respondents have incorrectly included the G.P.F. amount of Rs.1,28,741/-, which he states should not be treated as terminal benefits because this is the own contribution of deceased employee (husband of the applicant). It is

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seen that even if this amount ~~has~~ ^{is} deducted from the total terminal benefits, the terminal benefits would come approximately to Rs.2,60,000/- which perhaps may not be good enough to cross 80 points and above, which have been considered as limit for deserving cases.

2. While passing this Order, I am aware of the fact that this Tribunal can direct the respondents to consider the case for compassionate appointment and also ensure that under reasoned and speaking order, the respondents have decided the case of the applicant for compassionate appointment, and this Tribunal cannot ^{basis} direct the respondents to appoint the applicant on compassionate ~~post~~. It is very evident from page 8 of the O.A. that the impugned order dated 15.06.2007 alongwith Appendix 'A' attached to it, ~~is~~ is very clear and speaking order and does not leave any room for doubt regarding the manner in which applicant's case has been dealt with and I, therefore, do not find any merit in the O.A. The O.A. is accordingly dismissed with no order as to costs.



Member (A)

/M.M/