

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD**

(THIS THE 24th of AUGUST 2011)

Hon'ble Mr. A.K. Bhardwaj, Member (J)

Original Application No. 322 of 2007
(U/S 19, Administrative Tribunal Act, 1985)

Nimesh Mehata, S/o late Sri N.K. Mehata, R/o 819/108
Karbala Nagar Affim Kothi, Kanpur.

..... Applicant

Versus

1. Union of India through the Controller of Defence Account, (Army) belvedere Complex, Ayudh Path, Meerut Cantt.
2. Deputy Controller of Defence Account (Admin), Belvedere Complex, Ayudh Path, Meerut Cantt.

..... Respondents

Present for Applicant :

Shri R.K. Singh

Present for Respondents :

Shri S. Srivastava

ORDER

No one present on behalf of the applicant. I proceed to hear Shri A.N. Ambasta holding brief of Shri S. Srivastava learned counsel for the respondents and decide the present O.A. in terms of Rule 15 (1) of C.A.T. Procedure Rules 1987.

2. Father of the applicant late N.K. Mehata working in the Office of P.A.O (O.R.S) K.R.C. Ranikhet died on 2.10.2003 while being in service of respondents as Defence Estate Officer. Applicant being elder son of Late

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N.K. Mehata applied for employment on compassionate ground. According to applicant, his father Late N.K Mehata had no movable or immovable property and his monthly pay was only source of livelihood for bereaved family. Mother of the applicant filed application dated 20.2.2004 for appointment of dependant member of bereaved family on compassionate ground. In response to said application made by mother of the applicant, respondents issued an order dated 30.9.2004 (Annexure A-3). Said order reads as under:-

“त्वरित सेवा

अं प्रशासन/र/कयौ लि/ए के
क्षेत्रीय लेखा कार्यालय सेना
आगरा दि० 13.9.04

सेवा में

श्री निमेष मेहता

पुत्र स्व श्री एन के मेहता

24/108 कर्बला नगर

अफीम कोठी कानपुर

विषय दयालुता के आधार पर रक्षा लेख सेवा में नियुक्ति

उपरोक्त विषय में आपको यह सूचित किया जाता है कि रक्षा लेखा नियंत्रक सेना मेरठ के निर्देशानुसार इस सम्बन्ध में तथ्य पूरक सूचना उक्त कार्यालय को भेजी जाती है। अतः सितम्बर माह के अन्तिम सप्ताह में अपनी उपलब्धता नीचे लिखे पते। फोन पर सुनिश्चित करें। प्रभारी सहायक रक्षा लेखा नियंत्रक महोदय इस अवधि में विजिट करेंगे।

प्रभारी क्षेत्रीय लेखा कार्यालय सेना

49 ए महात्मा गांधी रोड आगरा कैंट आगरा

फोन न 0562 2226394

0562 2227449

के एल अग्रवाल

लेखा अधिकारी प्र

क्षेत्रीय लेखा कार्यालय

आगरा”

3. Accordingly, applicant appeared before respondent NO. 2 on 29.6.2007 and submitted certificates of his educational qualification, death certificate of late Shri N.K. Mehata alongwith other relevant documents.

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According to applicant, his claim for employment on compassionate ground was never decided by respondents.

4. In their counter reply filed by the respondents, they have stated that the case of the applicant was considered in accordance with Law, Guidelines on the subject of employment on compassionate ground. According to the respondents, in view of overall financial status of deceased family i.e. terminal benefits and other monthly income, they did not find the claim of the applicant for compassionate appointment as deserving one. Para 9 of reply reads as under:-

"9. That the contents of para 4 (ix) of the original application are denied and as such not admitted. In reply, it is to submit that the case of the applicant was dealt with in accordance with law and guidelines, on the appointment on compassionate ground, issued by DOP&T from time to time, and his case was placed before the Board of Officer's on 23.12.2004, for consideration of appointment on compassionate ground, but the Board of Officer's found the case of the applicant as non-deserving in view of the overall financial status of the family of the deceased based on family pension, terminal and other monthly income etc. vis-à-vis liabilities of the family hence did not recommended the case for appointment on compassionate ground and in this regard a communication thereof was intimated to the applicant through the speaking order bearing

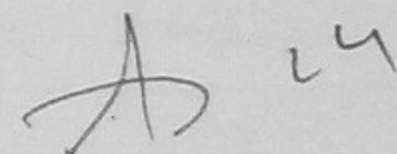
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*NO.AN/I/3056/Comp. Aptt./N.M /PC 116 dated
19.01.2005".*

5. While taking the stand that family circumstances of applicant did not warrant employment on compassionate ground, respondents have not analysed the financial status and terminal benefits received by bereaved family. Accordingly, respondents are directed to decide the claim of the applicant for compassionate appointment by passing a detailed, reasoned and speaking order. Further while doing so, they would also analyse the number of dependents of deceased Govt. servant, amount of terminal benefits received by the bereaved family and also the financial condition and size of family of Govt. servant whose dependant is last given compassionate appointment against the vacancy available against 5% quota after 2003.

6. O.A. disposed of. No costs.


Member (J)

Manish/-