

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.103 OF 2007
Cuttack, this the 20th Day of November, 2007

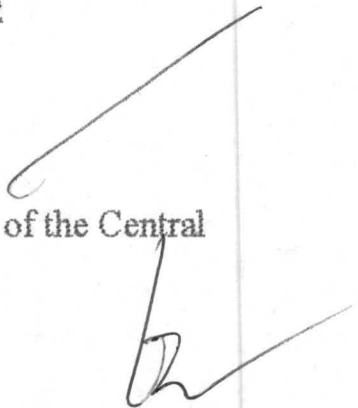
Khadija Bibi Applicant

Vs.

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?


(DR. K.B.S. RAJAN)
MEMBER(J)

X

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.103 OF 2007
Cuttack, this the 30th Day of November, 2007

CORAM:

HON'BLE DR. K.B.S. RAJAN, MEMBER(J)
.....

IN THE CASE OF:

Khadija Bibi, aged about 50 years, Wife of Late Ali Hussain, Village-
Sukanbigha, P.O-Japala Cement Factory, Dist-Palamau, Jharkhand.

..... **Applicant**

By the Advocate(s) **M/s. Dhuliram Patnayak**
N.S. Panda,
N.Biswal,
S.K. Rath.

Vs.

1. Union of India represented thorough its Secretary, Department of Atomic Energy, Central Secretariat, New Delhi-110 001.
2. Director (Personel and Administration), Heavy Water Board, Vikram Sarabai Bhawan, 4th Floor, Anushakti Nagar, Mumbai-400 094.
3. Assistant Personel Officer, Department of Atomic Energy, Heavy Water Plant, Talcher, Dist-Anugul.
4. Govt. of India, Department of Atomic Energy Heavy Water Board, V.S. Bhawan, Anushaktinagar, Mumbai-400 094.

..... **Respondent(s)**

By the Advocate(s)..... **Mr. R.N. Mishra-2**



O R D E R

DR. K.B.S. RAJAN, MEMBER(J)

The applicant, widow of Late Ali Hussain, Ex-Trades-Man who died on 24.01.2002 requested the respondents for her elder son's employment on compassionate ground. A number of attempts were made for getting the employment but on 21.03.2006 respondents finally rejected the application consequent of which this Original Application has been filed.

2. The main reasons for rejection of the application for compassionate appointment is as under:-

- (a) The family members received a sum of Rs.3,99,711/- as terminal benefit.
- (b) Family pension @ Rs.3363/- per month for 07 years and Rs.2018/- thereafter is available.
- (c) The case was considered on the line of DOP&T instructions dated 29.07.98. It was spelt that the family was not indigent and hence compassionate appointment was not considered.
- (d) The Heavy Water production activity at Heavy Water Plant, Talcher was suspended and thus there is no scope for any employment.

3. After the counter was filed Ld. Counsel for the applicant submitted that the case may decided on merit.

4. Ld. Counsel for the applicant contended that the case of the applicant was not considered taking into account the large size of the family and rejection was on the over all consideration of terminal benefits of Rs.4,00000/- received by the family. In other wards this case was not considered on the basis of comparison with other cases to arrive at the fact that the family of the applicant is not in indigent condition.

5. While, it is appreciated that in view of the fact that work was suspended at the Heavy Water Plant and some regular employees were reverted surplus, it has not been specifically mentioned anywhere that in no case compassionate appointment has been considered in the near past. In one of the Govt. instructions it has been stated that attempt should be made to write to other Departments for compassionate appointment within the 5% quota. Thus in the rejection of the case of the applicant the following deficiencies could be located :-

(a) It is not exactly known that the respondents are not considering any compassionate appointment case in view of non requirement of additional staff.

(b) Receipt of terminal benefits alone cannot be sole ground of rejection of any case. Taking into account the total number of family members this case has to be considered along with other cases.

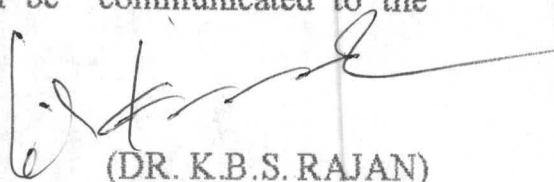
(c) If there is no scope at-all, attempt should be made to writ to other Department to ascertain whether there is any feasibility of accommodating the applicant.

6. In view of the above this Original Application is disposed of with the following directions:-

(a) The Department should consider the case of the applicant if other cases of compassionate appointment is considered.

(b) In any event attempt should be made to writ to related Ministry/Departments to ascertain availability of vacancies under compassionate appointment scheme. If so the case of the applicant also be sent for consideration, if such a provision is extant.

7. The above direction be complied within a reasonable time and the decision arrived at shall be communicated to the applicant thereafter.


(DR. K.B.S. RAJAN)
MEMBER (JUDICIAL)