

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

Original Application No.471/ Jodhpur/2013

with

Misc. Application No.279/Jodhpur/2013

Jodhpur this the 21st day of November, 2014

CORAM :

Hon'ble Ms. Meenakshi Hooja, Member (A)

1. Smt. Kusum W/o Late Shri Bhagwan Das Jod, aged about 41 years,
2. Nitesh Jod S/o late Shri Bhagwan Das Jod, aged about 20 years,
(both resident of Harizan Basti, Rai Ka Bagh, Jodhpur)

.....Applicant

(Through Adv. Mr. S.S. Nirban, proxy for Mr. R.S. Saluja)

Versus

1. Union of India through the Chief of Army Staff, Army Headquarter, Ministry of Defence, New Delhi.
2. The Principal Controller of Defence Accounts (Pension), Dropati Ghat, Allahabad.
3. The Station Commander, HQ Jodhpur, Sub Area, Multan Lines, Jodhpur.
4. GOC 12 Coerps C/o 56 APO

.....Respondents

(Through Adv. Smt. K. Parveen)

ORDER (ORAL)


A Misc. Application No.279/2013 has been filed by the applicant for condonation of delay in filing of the OA. The same is allowed and the delay in filing the OA is condoned for the reasons stated in the application because it is always desirable in the interest of justice to decide the case on merits rather than merely on technical grounds.



2. This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 on the account of the fact that after death of late Shri Bhagwan Das Jod, the applicant No.2 Nitesh Jod, who is dependent of the deceased employee, has not been considered for compassionate appointment despite the application being submitted in this regard and has therefore sought the following reliefs-

- “(i) The respondents may kindly be directed to consider the case of the applicant No.2 for compassionate appointment in pursuance of the application already submitted.*
- (ii) That consequent to aforesaid looking to the grave condition of the family, the applicant No.2 may kindly be directed to be appointed on compassionate basis on a post commensurating with his qualification.*
- (iii) Any other favourable order which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the applicants.*
- (iv) Original Application filed by the applicant may kindly be allowed with costs.”*

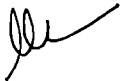
3. The brief facts of the case as averred by the applicant are that the one Shri Bhagwan Das Jod, husband of the applicant No.1 and the father of the applicant No.2, was working on the post of Conservancy Safaiwala, Station Cell, Jodhpur, in the respondent department. He was appointed on the post on 01.10.1981 and continued in service till 27.02.2012 when he was expired untimely. As an immediate measure, after the death of Shri Bhagwan Das Jod, applicant No.1 was even permitted to work in place of her husband on temporary basis but while retaining other temporary persons, the services of the applicant No.1 were dispensed with. As no member of the deceased family was considered for compassionate appointment, the applicant No.1 submitted an application for compassionate appointment which is at Annexure-A/4. Though, the



applicants are fully deserving for compassionate appointment but the application has not been responded to and hence the OA.

4. The respondents in their reply have stated that as per Army Headquarter Letter dated 20.09.2005, the compassionate appointment was stopped as the post of Conservancy Safaiwala is a dying cadre and further averred that the family pension has already been granted to applicant No.1 Smt. Kusum W/o Late Shri Bhagwan Das Jod, by the PCDA (P) Allahabad as per existing Government Rules on the subject. Therefore, the applicants are not entitled to any relief and hence the OA deserves to be dismissed.

5. Heard both the parties. Counsel for the applicants submits that though the application for compassionate appointment was submitted by the applicant No.1 i.e. wife of the deceased and she prayed that the compassionate appointment be given either to her or her son (i.e. the applicant No.2 in the present OA), but in this OA prayer has been made for appointment of the applicant No.2 on compassionate ground in relief prayed for at para 8 (i) and 8 (ii) of the OA. He further submits that in the reply a reference has been made to Army HQ letter dated 20.09.2005 by which compassionate appointment has been stopped as the post of Conservancy Safaiwala is a dying cadre but copy of the same has not been attached with reply, therefore, he is unable to file rejoinder, unless a copy of the same is provided to him.

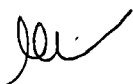


6. In the alternative, he argued that the respondents be directed to consider the claim of applicant No.2 for grant of compassionate appointment.

7. Per contra, counsel for the respondents reiterated the points raised in the reply including letter dated 20.09.2005, referred to in para 4.5 of the reply by which the compassionate appointment was stopped as the post of Conservancy Safaiwala is a dying cadre and submitted that therefore the applicants are not entitled to any relief.

8. Considered above contentions and perused the record. Annexure-A/4 is an application for appointment on compassionate ground submitted by the applicant No.1 in which it has been submitted by the applicant No.1 that either she or the applicant No.2, her son may be provided appointment on compassionate ground. For compassionate appointment, the person seeking compassionate appointment is required to make an application on individual basis, but applicant No.2 has not made any specific application to the competent authority in this regard; however such a prayer has been made in the OA. The respondents have also not annexed letter dated 20.09.2005 with the reply. Therefore, keeping in view the facts and circumstances of the case, it is proposed to dispose of this OA with certain directions.

9. Accordingly, OA is disposed of with the direction that the applicant No.2 may submit proper application to the competent authority for consideration of his compassionate appointment, within a month from the



date of receipt of this order and the competent authority shall decide the same with a reasoned and speaking order within 3 months from the date of receipt of the application.

The OA is thus disposed of with no order as to costs.



(MEENAKSHI HOOJA)
MEMBER (A)

Rss/ss

Paul
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Sty
for RS Seligman