

①

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH,
JABALPUR

Original Application No. 146 of 2006

Jabalpur, this the 11th day of August, 2006

Hon'ble Mr. A.K. Gaur, Judicial Member

Dinesh Kumar Sen,
Aged about 38 years,
S/o. Late Shri Rooplal Sen,
No. Old Chakki Near Mazar,
Post Barela, Distt. Jabapur (MP). **Applicant**

(By Advocate – Shri Puneet Shrotri)

V e r s u s

1. Union of India,
through Secretary,
Ministry of Defence,
Ordinance Factories,
New Delhi.
2. Chairman/DGOF,
Ordinance Factory Board,
10-A, Shaheed Khudi Ram Bose
Marg, Kolkata.
3. Senior General Manager,
Gun Carriage Factory,
Jabalpur (MP). **Respondents**

(By Advocate – Shri S.K. Mishra)

O R D E R (Oral)

By means of this Original Application the applicant has prayed to issue directions to the respondents to reconsider the case of the applicant for appointment on compassionate ground.

2. According to the applicant his father died in harness on 28.3.1998 and after the death of the father of the applicant the
- W

family pension has been fixed at Rs. 3,400/- per month. At present, family pension to the tune of Rs. 2,500/- is paid. There is no other source of income except the family pension paid per month. The family is residing in a rental house. It is submitted that the representation of the applicant for appointment on compassionate ground has been rejected vide order dated 14.7.2000 and thereafter, the applicant is continuously representing the respondents.

3. Heard Shri Shrotri learned counsel for the applicant and Shri S.K. Mishra, learned counsel for the respondents.

4. Shri Mishra has specifically pointed out that the applicant has secured only 39 marks, whereas the minimum prescribed mark for appointment on compassionate ground is 50. My attention was drawn to paragraph 4 of the reply, wherein it is stated that as per the prevalent policy it was decided that those candidates who had secured 50 marks and above only were to be recommended for appointment on compassionate ground. It is also confirmed by the respondents that none of the candidates who have secured less than 50 marks have been given any compassionate appointment in their organization. At the relevant time as per DOP&T OM No. 30(1)/2000/D(Lab), dated 29.6.2001 "Compassionate appointment case are to be considered within 1 year of the death of the government servant that too if vacancies exists for that purpose. Again in 2003, the government has prescribed a maximum time limit of 3 years for consideration of these case vide DOPT OM No. F. No. 14014/19/2002-Estt(D), dated 5.5.2003 wherein it is clearly mentioned that "The maximum time person's name can be kept under consideration for offering compassionate appointment will be three years, subject to the condition that the prescribed committee has reviewed and certified the penurious condition of the applicant at the end of the first and the second year. After three

h

(3)

years, if compassionate appointment is not possible to be offered to the applicant, his case will be finally closed and will not be considered again".

5. Although the case of the applicant is highly time barred, but ends of justice would be met if I direct the respondents to consider the case of the applicant again in the light of the OM No. 30(1)/2000/D(Lab), dated 29.6.2001. Hence, I hereby direct the respondents to consider the case of the applicant for appointment on compassionate ground for the second time under the aforesaid OM within a period of three months from the date of receipt of a copy of this order.

6. With this observation, the Original Application is disposed of. No costs.

(Signature)
(A.K. Gaur)
Judicial Member

"SA"

पूछांकन सं ओ/न्या.....जबलपुर, दि.....
पतिविसि अउ धित:-
(1) सगिव, उच्च न्यायालय कार एरोरिहाराज, जबलपुर
(2) आवेक श्री/श्रीमती/कु.....के काउंसल
(3) प्रत्यक्षी श्री/श्रीमती/कु.....के काउंसल
(4) अध्यक्ष, के.प्र.अ., जबलपुर न्यायपीठ
सचना एवं आवश्यक कार्यवाही हेतु

P. Mad. Shrivastava
PR 23/1
S.K. Mishra
PR 23/1

(Signature)
14-8-06.

Issued
on 14-8-06