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CENTRAL ADMINISTRATIVE TRIBUNAL,  
JABALPUR BENCH,  
JABALPUR

Original Application No. 430 of 2006

Jabalpur, this the 12<sup>th</sup> day of December, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman  
Hon'ble Mr. M.K. Gupta, Judicial Member

1. Smt. Banna Bai,  
W/o. Late Hajari Lal Choudhary,  
Aged about 45 Yrs.,  
Resident of, Near Durga Mandir,  
Police Line Kanchghar,  
Sanjay Gandhi Ward,  
Jabalpur (MP).
2. Man Singh Choudhary,  
S/o. Late Hajari Lal Choudhary,  
Aged about 23 Yrs.,  
Resident of, Near Durga Mandir,  
Police Line Kanchghar,  
Sanjay Gandhi Ward,  
Jabalpur (MP).

..... **Applicants**

(By Advocate – Shri Vijay Tripathi)

**V e r s u s**

1. Union of India,  
Through it's Secretary,  
Ministry of Defence,  
(Defence Production),  
New Delhi.
2. The Chairman,  
Ordnance Factory Board,  
10-A, S.K. Bose Marg,  
Kolkata.
3. The General Manager,  
Gun Carriage Factory,  
Jabalpur.

..... **Respondents**

(By Advocate – Shri S.K. Mishra on behalf of Shri R.S. Siddiqui)

O R D E R (Oral)

By M.K. Gupta, Judicial Member -

Validity of communication dated 1<sup>st</sup> February, 2006 (Annexure A-1) has been challenged in the present proceedings.

2. Admitted facts of the case are that Shri Hajari Lal Choudhary, Labour-B in Gun Carriage Factory, died in harness on 12<sup>th</sup> October, 2004 leaving behind five members in his family namely his widow, three sons and one daughter. An application was preferred before the concerned authorities to consider the applicant No. 2 herein for compassionate appointment. The said request had been considered and the applicant No. 1 was directed to ensure that the applicant No. 2 appears before the Labour Officer on 4<sup>th</sup> January, 2005 alongwith requisite documents. Applicant No. 2 appeared before the concerned authorities and fulfilled all the formalities. However, vide impugned communication dated 1<sup>st</sup> February, 2006 the applicant No. 1 was informed that the request of the applicant No. 2 for compassionate appointment cannot be recommended by the screening committee, which had its meeting on 25<sup>th</sup> January, 2006, as he secured only 47 marks out of 100. The learned counsel appearing for the applicants strenuously urged that the respondents have failed to indicate as to how applicant No. 2 secured only 47 marks and how many vacancies are earmarked for appointment on such basis and how many candidates were granted appointment on the recommendation of the screening committee. It was admitted that the terminal benefits of Rs. 3,36,944/- have been received by the applicant and the applicant No. 1 is in receipt of Rs. 3,225/- as family pension. The emphasis made was that no reasons have been assigned vide the impugned order.

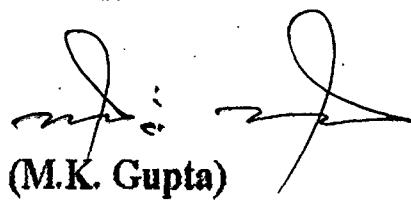
3. The respondents on the other hand contested the claim laid stating that the applicants request was duly considered and examined by the duly constituted screening committee twice and applicant No. 2 was not found fit for compassionate appointment within the 5% posts meant for direct recruitment quota in Group C and D posts. In

any case, as per the policy the applicant's case would be considered up to October, 2007. On merits it was stated that even the person having 64 marks could not be accommodated due to lack of vacancies within the 5% quota.

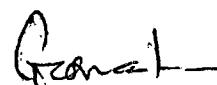
4. We have heard learned counsel for the parties and perused the pleadings and material placed on records.

5. It is the categorical stand of the respondents in reply paragraph 6 as well as in paragraph 12 that the applicants' case in terms of DOP&T OM will be considered "up to October, 2007". In view of the above, we dispose of the present Original Application with direction to respondents to adhere to their stand and undertaking noticed hereinabove and consider applicant No. 2 for the third time as he had been considered twice on such aspects. Ordered accordingly.

No costs.



(M.K. Gupta)  
Judicial Member



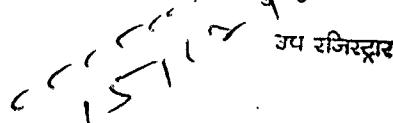
(Dr. G.C. Srivastava)  
Vice Chairman

"SA"

पृष्ठक्षेत्र सं. ओ/न्या..... जबलपुर, दि.....  
प्रतिलिपि अस्त्रे दिनः—  
(1) यमिन, उच्च व्यायामी द्वारा प्रयोगिकीय, जबलपुर  
(2) आमोदान द्वारा प्रयोगिकीय, जबलपुर  
(3) प्रस्तावीय/प्राप्तिकीय, के काउंसल  
(4) अंग्रेजी, अंग्रेजी, अंग्रेजी, अंग्रेजी, के काउंसल  
सूचना एवं आवश्यक कार्यपाली है

Vijay Tripathi  
S.K. Mishra  
Ab-23

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on 15/12/10  
by



उप रजिस्ट्रार