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**Central Administrative Tribunal
Jabalpur Bench**

OA No.503/06

Jabalpur, this the 4th day of August 2006.

CORAM

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

**Kamal Kumar Lodhi
S/o late Shri Churaman Lodhi
H.No.3115, Old Kanchanpur
Jabalpur.**

Applicant

(By advocate Shri M.B.Shrivastava)

Versus

1. **Union of India through
The Secretary
Ministry of Defence
New Delhi.**
2. **Headquarters Base
Workshop G.P.
E.M.E.
Meerut.**
3. **The Commandant
506 Army Base Workshop
Jabalpur.**

Respondents.

(By advocate Shri A.P.Khare)

ORDER (oral)

By A.K.Gaur, Judicial Member

By filing this OA, the applicant has sought quashing of the impugned order dated 17.1.06 (A-7) and for issuing a direction to respondents 2 & 3 to extend appointment on compassionate ground to the applicant.

2. At the threshold, it may be observed that the prayer to extend appointment on compassionate grounds to the applicant cannot be granted; at the most, there can be a direction for consideration of such appointment.

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3. The brief facts of the case are that the father of the applicant died on 7.7.98 before his retirement, leaving behind his wife Smt. Shanti Bai, two sons including the applicant and five daughters. It is urged on behalf of the applicant that there is no earning member in the family and the applicant and his brother are unemployed. The mother of the applicant submitted a representation dated 21.7.98 to respondent No.3 for extending appointment on compassionate grounds to the applicant as labour. The respondent No.3 vide his letter dated 23.7.98 (A-2) directed the mother of the applicant to supply certain documents so that the matter could be processed. As directed, the applicant's mother submitted all the required documents. The competent authority vide order dated 3.12.01 (A-3) rejected the representation made in respect of the applicant. The mother of the applicant again submitted a representation dated 30.9.05 for reconsidering the case of the applicant in view of the policy of the Government in this regard, but no action has been taken by the respondents. Hence this OA.

4. Learned counsel for the respondents Shri A.P.Khare contended that the respondent No.1 has formulated a policy for assessing candidates for compassionate appointment. This policy has been annexed as Annexure A-5.

5. It is vehemently argued on behalf of the applicant that the respondents have not considered the case of the applicant nor has the applicant received any intimation as to how much marks he has scored. The claim of the applicant has been finally rejected by respondent No.2 in December 2005, intimation of which was sent by respondent No.3 vide his letter dated 17.1.06. It has also been argued on behalf of the applicant that the said rejection order has not been received by the applicant. Immediately coming to know of the same, the applicant made another representation dated 19.6.06 (A-6) requesting the respondent No.3 to supply another copy of the order dated 17.1.06. On his request, the respondent No.3 supplied the copy on 23.6.06 (A-7).

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6. I have gone through the order dated 17.1.06. In this order, it is clearly observed that the claim of the applicant for compassionate appointment was examined by the Board of Officers at Army Headquarters on four consecutive occasions i.e. in Oct.2000, March 2001, June 2002, and Sept. 2003 in accordance with the existing instruction but the applicant could not place in the merit list. It is also observed that reconsideration of applications for compassionate appointment again and again and again may not produce any fruitful result as marks are allotted by the Board of officers on 100 point scale based on certain parameters as specified by the Government which do not change by mere reconsideration.

7. Having heard the learned counsel for the parties and perused the records, I am of the considered view that the competent authority has carefully examined the claim of the applicant and did not find it upto the mark; hence the same has been rejected. The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving the family in penury or on the verge of starvation and without any means of livelihood. In my considered view, there is no merit in the OA. Accordingly, the OA is dismissed in limine.

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

3a. पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
 व तिलिदि अचे दिात:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर
- (2) आदेशक श्री/श्रीमती/व्हु.....के काउंसल
- (3) प्रत्ययी श्री/श्रीमती/व्हु.....के काउंसल
- (4) चंथपाला, के.प्र.अ., जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यवाही हेतु

M.B. Shrivastava
A.P. Khan
Shrinivas Gana
 14.8.06.

Issued
 14.8.06
AG