

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR**

Original Application No. 67 of 2005

Jabalpur, this the 12th day of August, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Jagannath Shukla, son of late Shri Ram
Pratap Shukla, aged about 38 years,
Resident of House No. 98, Adhyatmak
Vigyan Shala Upakendra, Pipariya, P.O.
Khamaria, Thana Khamaria, Jabalpur, M.P. Applicant

(By Advocate – Shri S. D. Khan)

V e r s u s

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. The Chairman, Ordnance Factories Board, 10-A. S.K. Bose Road, Kolkata-700001.
3. The General Manager, Ordnance Factory, Khamaria, Jabalpur, M.P. Respondents

(By Advocate – Shri Sanjeev Singh on behalf of Shri P. Shankaran)

O R D E R

By filing this Original Application the applicant has claimed the following main reliefs :

"(i) direct the respondents to follow the order of the Hon'ble High Court (Annexure A-9),

(ii) hold the rejection order dated 19.8.1996, 20.3.1997, 26.5.2000 and 26.2.2004 are bad in law,

(iii) direct the respondents to consider the case of the applicant for providing compassionate appointment and further issue appointment order to the applicant on a suitable post as per the direction of the Hon'ble Court."



2. The brief facts of the case are that the father of the applicant late Ram Pratap Shukla was working as Examiner Grade-II in the Ordnance Factory, Khamaria and he died in harness at Military Hospital, Jabalpur on 6.9.1994. The applicant moved an application seeking appointment on compassionate ground. It was rejected vide letter dated 19.8.1996 (Annexure A-1). The applicant again knocked the doors of the department by filing another application but it was also rejected vide order dated 20.3.1997. The deceased left behind him 5 children i.e. four sons and one daughter. There is no bread earner in the family of the applicant. The department has appointed so many other persons who were less deserving than that of the applicant, on compassionate ground. The applicant has filed a chart Annexure A-8 in this regard. He challenged Annexure A-1 and Annexure A-2 by filing an Original Application No. 375 of 1997. In compliance of the direction given by the Tribunal in the said OA the applicant sent a copy of the order to the authority concerned but vide order dated 26.5.2000 his application was again rejected. Again he filed OA No. 748/2000 which was dismissed by the Tribunal on 24.11.2000. The decision of the Tribunal in the said OA was challenged by the applicant in the Hon'ble High Court of Madhya Pradesh and the Hon'ble High Court vide order dated 10.10.2003 directed the respondents to make all endeavour to extend the compassion to the extendable limit. The respondents again rejected the application of the applicant. The orders passed by the respondents are not in accordance with rules and law. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that the deceased employee i.e. the father of the applicant late Ram Pratap Shukla died in harness on 6.9.1994 and left behind him four sons and one daughter. The applicant moved an application for his compassionate appointment but it was



rejected and his second application was also not duly considered by the respondents. The father of the applicant was the only bread earner in the family of the applicant and after the death of the father of the applicant the applicant's family is facing acute financial crises. The respondents have considered the case of other persons who were not more deserving in comparison to the applicant and have granted them appointment on compassionate ground. Hence, they have discriminated the applicant with others and they have also not complied with the directions given by the Hon'ble High Court in accordance with the rules and provisions. The applicant is legally entitled for the reliefs claimed.

5. In reply the learned counsel for the respondents argued that the family of the deceased employee received the total financial benefits of Rs. 1,65,244/- . Apart from it the youngest son of the deceased who has not attained the age of 25 years is still getting family pension of Rs. 737/- plus dearness relief applicable from time to time. The applicant has also submitted in his OA that he has married and is earning Rs. 30 per day, working as a labourer. The case of the applicant was considered by the competent authority on 19.8.1996 (Annexure R-1). Thereafter the applicant again submitted a representation. When the case of the applicant was considered for the first time then there were 6 vacancies against which the candidates who scored 93 or more points were appointed whereas the applicant could score only 42 points. At the second time there were 17 vacancies against which candidates who scored 84 points and above were appointed. In the third and last time there were only 14 vacancies and the candidate who scored 78 and more points were appointed. In all these occasions the applicant was much below in the rank list because of not better family conditions in comparison with other cases who could score more points due to their indigent circumstances of the family. Therefore, the case of the applicant was finally rejected and intimated to him vide letter dated 6.11.2004 (Annexure R-2). The applicant's case was reviewed in compliance with the order of the



Hon'ble High Court but there was no change in the condition of the family of the applicant. The respondents have considered the case of the applicant for three times according to the policy of the Government of India, Ministry of Defence. Hence, this Original Application deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, I find that the application for compassionate appointment of the applicant was considered and rejected vide order dated 19.8.1996 (Annexure R-1) for the first time. According to the respondents the candidate who secured 93 or more points were appointed, whereas the applicant could secure only 42 points. Hence, the application was rejected. The second application of the applicant was also rejected vide order 20.3.1997 (Annexure A-2). The applicant filed an Original Application No. 375/1997 whereby the respondents were directed to re-consider his case vide order dated 6.4.2000. When the respondents considered and rejected his case the applicant again filed an Original Application No. 748/2000 which was dismissed by the Tribunal vide order dated 24.11.2000. Against this order of the Tribunal the applicant filed a Writ Petition before the Hon'ble High Court of Madhya Pradesh and the Hon'ble High Court was pleased to direct the respondents vide order dated 10.10.2003 to make all endeavour to extend the compassion to the extendable limit. Thereafter the respondents have again rejected the case of the applicant on the ground of non-availability of vacancies. The respondents have considered the case of the applicant for three times i.e. first on 19.8.1996, secondly on 20.3.1997 and for the last time on 6.11.2004. I have perused the impugned orders and find that the respondents have considered the case of the applicant according to the policies of the Government of India, Ministry of Defence.

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7. For the reasons recorded above, I do not find any merit in this Original Application and it is accordingly, dismissed with no order as to costs.

**(Madan Mohan)
Judicial Member**

"SA"

पृष्ठांकन सं. ओ/व्या.....	जबलपुर, दि.....
प्रतिलिपि दरवारी दिल्ली.....	
(1) संघिया, उच्च अधिकारी वा दूसरी व्यक्ति, जबलपुर	
(2) आनेदार श्री/श्रीमती/कु.....	काउंसल
(3) पर्यावरणी श्री/श्रीमती/कु.....	काउंसल
(4) विधिवाला, दरवारी, जबलपुर व्यापारी	

~~12-8-59~~