

Central Administrative Tribunal
Jabalpur Bench

OA No.83/05

Jabalpur, this the 4th day of July 2005.

C O R A M

Hon'ble Mr.Madan Mohan. Judicial Member

Smt.Kamla Bai Samudre
W/o Late Shri Jamuna Prasad Samudre
R/o Opposite Nagar Nigam Quarter
Prem Sagar
Jabalpur.

Applicant

(By advocate Shri Sameer Beohar)

Versus

1. Union of India through
Secretary, Ministry of Defence
New Delhi,

2. Senior General Manager
Gun Carriage Factory
Jabalpur.

Respondents.

(By advocate Shri M.Chaurasia)

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following reliefs:

- (i) Set aside the letter dated 20.1.2001 (Annexure A4) and letter dated 10.12.04 (Annexure A8) and direct the respondents to consider the claim of the applicant for compassionate ground.
- (ii) Direct the respondents to give appointment on compassionate ground to the younger son of the applicant namely Ashish Kumar.



2. The brief facts of the case are that the husband of the applicant, who was working on the post of Sweeper under respondent No.2, died in harness in 1995 leaving behind his widow, three sons and two daughters, one of whom is unmarried. The applicant applied to the authority concerned for providing employment assistance on compassionate ground to a family member. She did not get any reply. The applicant again made an application-dated 29.3.2000 for providing compassionate appointment to her younger son, which too elicited no response. Though the respondents later on took some initiative in the matter of providing employment assistance to her younger son, yet vide letter-dated 20.1.2001 the claim was rejected. After making several unsuccessful attempts in this regard, the applicant approached this Tribunal filing OA No.661/04 which was disposed of by the Tribunal vide order dated 24.8.04 directing the respondents to consider and decide the representation of the applicant. In compliance with the order of the Tribunal, the respondent No.2 passed the impugned order dated 10.12.04 (Annexure A8) rejecting the claim of the applicant. Hence this OA is filed

3. Heard the learned counsel for the parties. It is argued on behalf of the applicant that initially the applicant had applied for compassionate appointment to her elder son Rajesh Kumar but the respondents had wrongly rejected the claim on the ground that he was involved in some criminal case. The learned counsel submitted that a case under Section 116(6) of Cr.P.C. was registered against the applicant's elder son, which had already been closed by the court and he had been discharged by the court vide order dated 18.10.96. The respondents had informed about this fact to the applicant vide letter dated 5.11.98. However, no criminal case had been registered against the applicant's younger son, namely Ashish Kumar. The respondents had not considered the fact and contentions of the applicant's representation for compassionate appointment, in true spirit and in

accordance with law. Hence the applicant is entitled to the relief claimed.

4. In reply, the learned counsel for the respondents argued that the respondents had processed the case for providing compassionate appointment to the elder son of the applicant. Accordingly, the relevant screening committee declared him fit for the post of Labour. However, on verification of the police report, it was noticed that Shri Rajesh Kumar, the elder son, had suppressed information regarding his involvement in various criminal cases. It was for this reason that his claim was rejected vide letter dated 5.11.98. Subsequently, the applicant approached for providing compassionate appointment to her younger son, namely, Ashish Kumar. Thereupon, the competent authority decided to examine the financial condition of the family. On re-examination, it was noticed that the applicant was working as a casual sweeper in Jabalpur Corporation earning Rs.1400/- per month. Further all her sons were also earning Rs.700/- to 800/- per month respectively. In addition, the applicant was also receiving a family pension of Rs.1760/- plus DA. The applicant had already received the terminal benefit to the tune of Rs.43,302/-. Finding that the family was not in indigent circumstances, the claim for compassionate appointment was rejected vide letter-dated 20.1.2001. The Scheme for compassionate appointment is restricted to only most deserving cases under indigent circumstances. The family of the applicant has a constant source of income and hence it cannot be said to be under indigent circumstances warranting a compassionate appointment. Learned counsel further argued that the case of the applicant had been considered by the respondents thrice, firstly on 5.11.98, secondly on 20.1.001 and lastly on 10.12.02. Hence the action of the respondents is perfectly legal and justified.

5. After hearing the learned counsel for the parties and perusing the records, I find that after the death of the deceased, the applicant had moved an application for providing compassionate appointment to

her eldest son Rajesh Kumar. The Screening Committee declared him fit for the post of Labour but on verification of the police report, it was found that he was involved in some criminal cases. He has concealed this fact and, therefore, his case has been rejected vide order dated 5.11.98. Thereafter, the applicant moved an application for providing compassionate appointment to her younger son, Ashish Kumar. The respondents has thoroughly considered the claim and it has been rejected vide order dated 20.1.01. The applicant herself is working as a casual sweeper in the Jabalpur Corporation earning Rs.1400/- per month. Her sons are also earning members. In addition, the applicant is receiving a family pension of Rs.1760/- plus DA. The applicant had already received the terminal benefits to the tune of Rs.43, 302/-. The applicant does not controvert these facts by filing any rejoinder. The impugned order dated 10.12.04 issued in compliance with the Tribunal's directions in OA No.661/904 is speaking and reasoned.

6. Considering all facts and circumstances of the case, I am of the considered opinion that the OA has no merit and is dismissed. No costs.

(Madan Mohan)
Judicial Member

aa.

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

पतिनिधि अर्थात् निम्नलिखित:-

(1) सचिव, उच्च न्यायालय, जबलपुर

(2) आवेदक श्री/श्रीमती/.....के काउन्सिल

(3) प्रत्यक्षी श्री/श्रीमती/.....के काउन्सिल

(4) मंत्रालय, जबलपुर

सचका एवं आवेदक के प्रतिनिधि हैं।

उप प्रतिनिधि

Fileed
5.7.05

Sameer Bishav
M. Chouhan