

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No 86/2005

Jabalpur, this the 11th day of November, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

1. Smt. Periyamma,
Wd/o Late Shri A.K. Sundaram (Adult)
2. S.Kalidas
S/o Late Shri A.K. Sundaram (Adult)
Both R/o Jhuggi No.1311, 'B' Sector
Anna Nagar, BHEL
Bhopal M.P. Applicants

(By Advocate – Shri Deepak Panjwani)

V E R S U S

1. Union of India, through the Comptroller
and Auditor General of India, Bahdur Shah
Zafar Marg, New Delhi.
2. The Director General Post & Telegraph
Audit, Shyam Nath Marg,
Old Secretariat, Delhi.
3. The Deputy Director, Post & Telegraph office,
Indra Mansion, Bhopal (M.P.)
4. Sr. Accounts Officer,
PNT Audit of India, Bhopal (M.P.) Respondents

(By Advocate – Shri P. Shankaran along with Ku. Tulika Sharma)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application, the applicants have sought
the following main reliefs :-

“8.1to quash the impugned order (Annexure A/1) in its
entirety.



8.2to direct the respondents to give appointment to applicant no.2 on compassionate grounds in the interest of justice."

2. The brief facts of the case are that applicant No.1 is widow and the applicant No.2 is son of deceased Government servant Shri A.K. Sundaram, who was working under the respondents department as Clerk-Typist and he died in harness on 27.4.1997. The applicant No.1 submitted an application for compassionate appointment on 23.5.1997 (Annexure-A-2), which was rejected vide order dated 23.5.1998 on the ground that there is no vacancy available. On 6.6.2000 the applicant No.1 made another representation to the respondents for appointment on compassionate grounds in favour of applicant no. 2 by stating that there are four posts lying vacant. But, the aforesaid representation was also rejected vide order dated 20.9.2000 on the same ground. According to the applicants the respondents have advertised for filling up some posts by open market, out of which 1 post was reserved for SC and 1 for OBC. The applicant No.2 belongs to SC category and he applied against the advertised post and he was called for interview on 17.9.2001, however another person was appointed against the post reserved for SC category. Hence, the applicants had filed an OA 400/02 which was disposed of on 30.6.2004 by directing the respondents to consider the case of the applicant no.2 sympathetically. However, the respondents have not considered the claim of the applicant no.2. Hence, this OA.

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

4. The learned counsel for the applicants argued that after one month of death of the deceased Government Servant, the applicant No.1 had applied for compassionate appointment on 23.5.1997 in favour of the applicant no.2, which was rejected vide order dated 23.5.1998 on the ground that there was no vacancy available. Again another application was filed by the applicants for compassionate



appointment, which was also rejected on the same ground. Thereafter the applicants had filed OA No.400/02 before this Tribunal, which was disposed on 30.6.2004 by directing the respondents to consider the case of the applicants sympathetically. But the claim of the applicants has again been rejected vide order dated 21.12.2004 (Annexure-A-1).

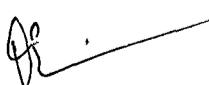
5. The main contention of the applicants is that the respondents have not considered the financial crises of the family of the deceased Government servant and they have also not considered the grounds raised by the applicants in their earlier OA, and by a non speaking order they have rejected the claim of the applicants.

6. In reply, the learned counsel for the respondents argued that after the death of the Government employee, family was paid a total amount of Rs.1,18,340/- and the widow of the deceased Government servant is getting family pension of Rs.2,440/- per month. The case of the applicant No.2 was considered along with other candidates by the Departmental Selection Committee for appointment in Group D post in P&T Audit Organisation at Delhi. However, the applicant No.2 could not be accommodated for want of vacancy. Therefore, he was informed vide letter dated 21.9.1998 and 13.1.1999. Thereafter the applicants have further submitted application for compassionate appointment which also rejected because there was no vacant post for compassionate appointment in Group D. The learned counsel for the respondents further argued that in compliance with the order of the Tribunal, the respondents had reconsidered the case of the applicant no.2, but he could not be selected by the committee. Therefore, it cannot be said the respondents have not complied with the direction of the Tribunal. The family of the deceased Government servant has already been granted terminal benefits and the widow of the deceased Government servant is also getting family pension of Rs.2,440/- per month. Hence, they are not facing any financial crisis.



7. After hearing the learned counsel for the parties and on careful perusal of the records, I find that the applicant No.1 had submitted an application for appointment on compassionate ground just after the death of the deceased Government servant which was rejected on the ground that the Departmental Selection Committee has not recommended the case of the applicant No.2. Thereafter she had filed another representation on 6.6.2000 before the respondents for appointment on compassionate grounds in favour of the applicant No.2. The aforesaid representation was also rejected on the ground of non availability of the vacancies. I also find that the Tribunal had directed the respondents on 30.6.2004 in OA 400/2002 to consider the case of the applicants sympathetically, but the respondents have rejected the case of the applicant no.2 vide order dated 21.12.2004. I have perused the impugned order dated 21.12.2004 (Annexure-A-1) in which the contentions of the applicants have not been considered by the respondents and merely on the ground of providing of the terminal benefits and family pension which are not sufficient ground, the respondents have rejected the claim of the applicants for compassionate appointment. Thus, I find that the impugned order is a non speaking order in which the respondents have not considered financial condition of the family of the deceased Government servants, and the contentions raised by the applicants in their earlier OA. Hence, aforesaid impugned order dated 21.12.2004 is liable to be quashed and set aside.

8. In the result, the order dated 21.12.2004 is quashed and set aside. The respondents are directed to reconsider the case of the applicant No.2 for compassionate appointment within a period of three months from the date of receipt of a copy of this order. The respondents are also directed to consider all the facts and circumstances of the case while considering the case of the applicant for compassionate appointment. With the above directions, the OA stands disposed of. No costs.


(Madan Mohan)
Judicial Member