

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR

**Original Applications No 100 of 2005**

Jabalpur, this the 28<sup>th</sup> day of June, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

Pradeep Singh Rajput  
Son of Late Shri Horilal Rajput  
Aged about 30 years resident of  
H.No. 312/1 Vaidyanathan Nagar,  
GCF State, Jabalpur.

Applicant

(By Advocate – Shri Bhoop Singh)

**V E R S U S**

1. The Union of India,  
Through Its Secretary  
Ministry of Defence Production  
Department, New Delhi.
2. The Chairman  
Ordinance Factory Board  
10 A, Sahid Khudiram Bose Marg  
Kolkatta (WB)
3. The General Manager  
Gun Carriage Factory  
Jabalpur (MP)

Respondents

(By Advocate – Shri Manish Chourasia)

**O R D E R**

By filing this Original Application, the applicant has sought a direction to the respondents to appoint him on compassionate ground.

2. The brief facts of the case are that the father of the applicant, Late Shri Horilal Rajput was serving under the respondents and he died in harness on 7.5.1999 leaving behind him, his wife and children. The mother of the applicant applied for compassionate appointment in favour of the applicant. He was called for examination and interview,



and after qualifying the examination and interview he was sent for medical examination and thereafter police verification was done. The applicant furnished all the educational and other certificates to the respondents. He was given an assurance that they will issue an appointment order very soon. Till now no such appointment order is given to him. Hence, this OA.

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

4. The learned counsel for the applicant argued that after taking medical examination and police verification, the applicant was found fit for compassionate appointment and he was given assurance that the appointment order will be issued shortly and in spite of several requests made by the applicant, the respondents did not issue any appointment order in favour of the applicant while they appointed so many persons, who are not more deserving than the applicant. As the applicant spent huge amount on the treatment of his father and he borrowed the money from some other persons for treatment of his father, therefore, the condition of family of the applicant has become very adverse and critical. The learned counsel for the applicant further argued that the applicant deserves to be appointed on compassionate ground.

5. In reply, the learned counsel for the respondents argued that after the death of father of the applicant, the widow of deceased Government servant moved an application for compassionate appointment for his son i.e. applicant. After examining the case of the applicant, the screening committee declared that the applicant fit for the post of labourer and accordingly the police verification forms were issued on 2.3.2002. However, the respondent No.3 had already exceeded the number of posts that needs to be filled up within 5% post meant for Group 'C' and 'D' post under the scheme of compassionate appointment. Since, there was no vacancy, the case of the applicant was regretted and he was intimated vide letter dated 18.10.2002 (Annexure-R-1).. He further argued that this OA is barred



by limitation, and the case of the applicant should have been considered in three years. Hence, this OA is liable to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the records, I find that the applicant had moved an MA No. 158/05 for condonation of delay. After considering the aforesaid MA for condonation of delay, I allow the aforesaid MA. The mother of the applicant has moved the application for compassionate appointment in favour of the applicant immediately after the death of her husband. The respondents have admitted that the screening committee declared the applicant fit for the post of labourer and accordingly the police verification forms were issued on 2.3.2002. I further find that in this case the respondents have directed the applicant to appear in the examination, interview and medical board. He was found fit for the post of labourer and the respondents given him assurance that they will issue the appointment order. However, before issuing the appointment letter it was noticed by the respondents that there was no vacancies for compassionate ground. For this facts, the applicant is not at all responsible, it was the duty of the respondents not to fill up the post for which the applicant was found fit. It is the duty of the respondents, when the applicant was found fit for the aforesaid post they should keep vacant one post for applicant. However, due to inadvertent mistake of the respondents, the applicant could not get the employment.

7. After considering all the facts and circumstances of the case, I direct the respondents to consider the case of the applicant for compassionate appointment within three months from the date of receipt of a copy of this order. The OA stands disposed of accordingly. No costs.



(Madan Mohan)  
Judicial Member