

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Applications No 148 of 2005

Jabalpur, this the 17th day of June, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

Ajay Kumar Yadav,
Son of Late Shri Ram Chandra Yadav,
Aged 27 years, Resident of House No.998/1
Infront of Central Bank, Mandla Road
Bilhari, Tehsil and District Jabalpur (M.P.)

Applicant

(By Advocate – Shri R.B. Yadav)

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Defence Production,
South Block, DHQ PO New Delhi.110011.

2. The Director General of Ordnance Factories/
Chairman, Ordnance Factories Board,
Khudiram Bose Road, Kolkatta-1

3. The Senior General Manager,
Gun Carriage Factory, Jabalpur (MP)

Respondents

(By Advocate – Shri S.K. Mishra)

ORDER

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

“(ii) ...to quash the impugned order regarding this matter and
also be directed to respondents to appoint applicant on
compassionate ground.

2. The brief facts of the case are that the father of the applicant
late Shri Ram Chandra Yadav rendered services of more than 30 years
with the respondents-department. He died in harness on 8.1.2003



leaving behind him, his unmarried daughter, 2 sons and his widow. The mother of the applicant also died on 26.11.1998. According to the applicant, he submitted an application for compassionate appointment in February, 2003 with full details which was not considered by the respondents. The family pension which was granted to the applicant's younger brother Sanjay Kumar Yadav had already been stopped w.e.f. 24.4.2004 because he had crossed the age of 25 years. Thereafter the applicant submitted representations dated 7.2.2004, 7.6.2004 and 21.6.2004. He is a post Graduate person and the family of the applicant is facing severe financial crisis after the death of his father who was the only bread earner in the family. The contention of the applicant is that the respondents allotted him 45 marks while they should have given him 59 marks because they have given him 6 marks regarding family pension whereas he should be allotted 20 marks because the family pension was stopped w.e.f. 24.4.2004. The respondents have not considered the aforesaid facts and also the family conditions. Hence, this OA.

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

4. It is argued on behalf of the applicant that the amount of family pension which was being paid to the brother of the applicant was discontinued w.e.f. 23.4.2004 (Annexure-A-9). The learned counsel for the applicant has drawn our attention towards the order dated 18.8.2004 (Annexure-A-10) wherein the respondents have allotted 6 marks against the family pension whereas the family pension was discontinued w.e.f. 24.4.2004. Hence, the applicant should have been allotted 20 marks against the family pension. The total marks of the applicant is 59 while he allotted 45 marks. One sister of the applicant is marriageable and the younger brother is unemployed. There is no bread earner, therefore, the family of the applicant is facing severe financial crisis. The respondents have not considered the applications



of the applicant for compassionate appointment according to the rules and law and they have also not complied with the direction of the Tribunal dated 28.9.2004 passed in OA No. 805/04.

5. In reply, the learned counsel for the respondents argued that that the applications of the applicant were considered and examined alongwith other similarly placed individuals. The applicant could only obtain 45 marks after considering all the facts and circumstances of the case, within limited vacancies of 5% of direct recruitment posts meant for compassionate appointment. The case of the applicant was considered with similarly placed individuals on 3 occasions i.e. on 25.5.2004, 17.8.2004 and 7.10.2004 and it was noticed that there were cases which had secured far higher marks than the applicant. Even person who had secured more than 70 marks could not be appointed due to lack of vacancies. The learned counsel for the respondents further argued that at the time of allotting the marks to the applicant, the brother of the applicant was getting the family pension and the family pension was discontinued only w.e.f. 24.4.2004.

6. After hearing the learned counsel for the parties and on careful perusal of the records, I find that the respondents have considered the case of the applicant on 3 occasions i.e. on 25.5.2004, 17.8.2004 and 7.10.2004 and have also mentioned in their reply that even persons who have secured more than 70 marks could not be appointed due to lack of vacancies. I have perused the order dated 10.8.2004 (Annexure-A-10) in which the applicant was awarded 45 marks. According to the arguments advanced on behalf of the applicant if it is accepted that he should have been awarded 59 marks by the respondents even then he could not be appointed on compassionate ground, as the respondents have clearly mentioned in their reply that even persons who have secured more than 70 marks could not be appointed due to lack of vacancies because the vacancies are only limited up to 5% of direct recruitment for compassionate appointment.



7. In view of the aforesaid discussion, the Original Application is liable to be dismissed and is accordingly, dismissed. No costs.



(Madan Mohan)
Judicial Member

पृष्ठान्त सं ओ/न्या.....जयलपुर, दि.....

प्रतिनिधि अर्पित:-

(1) सचिव, जयलपुर न्यायालय, जयलपुर

(2) अर्पित सं/न्या.....के काउंसल

(3) अर्पित सं/न्या.....के काउंसल

(4) ग्रंथपाल, जयलपुर न्यायालय

सूचना एवं आवश्यक कार्यवाही हेतु

उप निरीक्षक

R-B Yoder on 22/03

SK Natarajan on 22/03

Seel
ms
17-6-05