

Central Administrative Tribunal
Jabalpur Bench

OA No.162/05

Jabalpur, this the 8th day of July, 2005.

C O R A M

Hon'ble Mr.Madan Mohan, Judicial Member

1. Harkesh Choudhary
S/o Late Shri Khublal Choudhary
C/o Shri Santosh Soni
H.No.3687, Ganga Nagar Colony
Garha, Jabalpur.
2. Smt Geeta Bai Choudhary
W/o Late Shri Khublal Choudhary
R/o C/o Shri Santosh Soni, H.No.3687
Ganga Nagar Colony, Garha
Jabalpur. Applicants

(By advocate None)

Versus

- 1: Union of India through
Its Secretary
Ministry of Defence,
New Delhi.
2. The Chairman
G.C.F. Board
Saheed Khudi Ram Bose Marg
Kolkata.
3. General Manager
G.C.F. Factory
Jabalpur. Respondents.

(By advocate Shri Manish Chaurasia)



ORDERBy Madan Mohan, Judicial Member

By filing this OA, the applicants seek a direction to the respondents to consider appointment on compassionate grounds.

2. The brief facts of the case are that the father of applicant No.1 died on 7.6.1989 while working as UDC at GCF Factory, Jabalpur, leaving behind his widow (applicant No.2), two minor daughters and one minor son. The deceased's eldest son who had applied for compassionate appointment in the meantime died on 13.4.1993. Thereafter, the department issued a call letter to applicant No.1 for compassionate appointment on 23.12.95 and as he was minor at that time, he did not apply. On attaining majority, applicant No.1 applied for compassionate appointment on 6.10.2003, but the respondents did not consider it. Hence he filed OA No.851/2004 before the Tribunal. The Tribunal disposed of the aforesaid OA with a direction to the respondents to consider his fresh application and decide it within 3 months. However, his case was rejected by the respondents vide letter dated 25.1.2005. It is alleged in the application that the father of the applicant was the sole bread earner in the family and the family was facing starvation. The respondent department had appointed similarly situated persons. His case was rejected without application of mind. Hence this OA is filed.

3. None is present for the applicants. Hence this OA is disposed of by invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1987.

4. Heard learned counsel for respondents. The respondents in their reply contend that the wife of the deceased had requested for compassionate appointment of her son Ram Kumar on 17.4.95. On verification of the records it was noticed that the wife of the deceased



had not submitted the requisite documents. Instead of submitting the requisite documents, the widow had submitted an application again on 15.5.97 stating that her third son Harkesh Kumar (applicant No.1) may be appointed. At that point of time, the case had become nearly 8 years old. The application is not maintainable for the reason that the family has been able to sustain for about 15 long years without a government employment and considering such request for compassionate appointment at this belated stage will be against the very spirit of the scheme. The Scheme for compassionate appointment is meant to tide over the sudden financial crisis into which a family falls due to the loss of the earning member. Hence the respondents have not committed any irregularity or illegality in passing the impugned order.

5. After hearing the learned counsel for the respondents and perusing the records, I find that the deceased's wife had moved an application for compassionate appointment for her eldest son but unfortunately he died. Hence she applied for compassionate appointment in favour of her son, Ram Kumar. The respondents had directed the applicant No.2 to submit the relevant papers but the widow of the deceased submitted an application that Ram Kumar was totally illiterate and she requested for compassionate appointment of her present applicant Harkesh Choudhary. At the time of the death of the deceased employee, the present applicant was minor. In compliance with the directions given by the Tribunal vide order dated 13th October 2004 in OA No.851/04, the applicant submitted a fresh representation and that is rejected vide the impugned order dated 25.1.2005. Prior to the impugned order, the respondents have not decided on merit the representation of the applicant for compassionate appointment. I have perused the impugned order dated 25.1.2005 (Annexure A1) in which all facts and circumstances and contention of the applicants are not considered, as the applicants have mentioned in the OA that now both daughters have attained the marriageable age and the family is still facing starvation, that a small amount of



Rs.60000/- had been given as terminal dues to the family and the family of the applicant is getting a very meager amount of pension of Rs.1520/-, which is not sufficient to maintain the family and arrange the marriage of her daughters. As is mentioned in the impugned order, the respondents have not considered the facts and circumstances and the contention of the applicant. Hence the impugned order is quashed and set aside and the respondents are directed to consider the case of the applicants within three months from the date of receipt of a copy of this order.

7. The OA is disposed of as above. No costs.


(Madan Mohan)
Judicial member

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पृष्ठांकन सं ओ/न्या..... जबलपुर, मि.....
पतिलिपि आवृत्ति दिनः—
(1) सचिव, उच्च न्यायालय दाख एवं दिविषाला, जबलपुर
(2) आवेदक श्री/श्रीगती/कु..... के काउन्सल *M. Singh DWB*
(3) प्रत्यार्थी श्री/श्रीगती/कु..... के काउन्सल *M. Chauhan DWB*
(4) वांशपाल, केए.पी., जबलपुर न्यायालय
सूचना एवं आवश्यक कागदेंकाही हेतु *क्रम*
क्रम उप रजिस्ट्रार

*Zonal
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8/7/05*