

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT GWALIOR

Original Application No 201 of 2005

Endore this the 17th day of November, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Pramod Sharma
S/o Late Shri Gopal Kishan Sharma
Aged 31 years, Unemployed R/o Paine
Khan Ka Bada, Bawan Paigya, Nai Sadak,
Lashkar, Gwalior (H.P.)

Applicant

(By Advocate – Shri D.P. Singh)

V E R S U S

1. The Accountant General of
Madhya Pradesh, Through : Its
Accountant General
Govt. of M.P. Moti Mahal
Gwalior.
2. The Accounts Officer
Administration-12
Moti Mahal, Gwalior.

Respondents

(By Advocate – Shri M.Rao)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application, the applicant has sought the following main reliefs :-

i) That, the orders rejecting the claim of compassionate appointment of the applicant dt. 9.8.01 Annexure A-5, dt. 10.10.01, Annexure-A-17, dt. 8.2.02 Annexure A-18, dt. 20.5.02 Annexure-A-19, dated 8.10.02 P-20, dt. 22.4.03 P-21 & d5.3.9.03 A-22 be ordered to be quashed.

ii) That, the respondents be directed to grant the compassionate appointment to the applicant in place of the deceased Late Shri Narendra Singh Yadav.

*Deleted d. 05
few and at
11-9-06 by M.M.
No 1144105
in para (i) and 24 para
dated 11-11-05
Shri Gopal Kishan Sharma
7-9-06*

*Shri Gopal Kishan Sharma
7-9-06*

2. The brief facts of the case are that the father of the applicant Late Shri Gopal Kishan Sharma was working under the respondent-department on the post of Sr. Accountant. He died in harness on 5.10.99 leaving behind his three sons, one daughter and his widow and also his mother. The applicant is a Post Graduate and he submitted an application for compassionate appointment. He was issued call letters dated 19.1.2001, 12.4.2001 and 8.6.2001 for interview and he remained present in all the dates fixed for interview. Vide order dated 9.8.2001(Annexure-A-5) it was informed to the applicant that the selection committee has not made any recommendation in his favour for grant of compassionate appointment. According to the applicant while rejecting the claim of the applicant the respondents have not considered all the facts and circumstances of the case and the aforesaid order was passed without application of mind which is arbitrary, illegal and not sustainable in the eye of law. Hence, this OA.

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

4. The learned counsel for the applicant has argued that the deceased Government servant Late Shri Gopal Kishan Sharma left behind him his three sons, one daughter, his widow and his mother. All the family members are unemployed and the mother of the applicant is only getting Rs.4000/- as family pension which is very meagre amount to maintain the family. He also argued that the family of the deceased Government servant is facing acute financial crisis. The applicant is a Post Graduate and he is eligible for the post of Assistant Gr.III. However, the respondents without considering all the facts and circumstances of his case and family conditions rejected his claim vide order dated 9.8.2001(Annexure-A-5) which is a cryptic and non speaking order. It is very clear from the aforesaid order that the respondents have not considered any facts and circumstances and

QF

also the contentions raised by the applicant. The learned counsel for the applicant has drawn our attentions on the order of this Tribunal dated 23.6.2005 passed in OA No.200/04 in the case of Sanjay Kadam Vs. Office of Accountant General and Anr. wherein the Tribunal has quashed and set aside the impugned order on the ground that the impugned order is not a speaking order. In view of the aforesaid decision the present OA is liable to be allowed.

5. In reply the learned counsel for the respondents argued that whole object for granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased government servant from financial destitution and to help it get over the emergency. He also argued that the eldest son of the deceased government servant is already earning and the widow of the deceased government servant is also getting regular family pension. Hence the applicant does not deserve for compassionate appointment. He further argued that in the present case the claim of the applicant for compassionate appointment was duly considered and the decision of the committee was communicated to the applicant vide order dated 9.8.2001. Thus, there is remained nothing for consideration to the respondents. The learned counsel for the respondents also argued that the respondents have already paid all the retiral dues amounting to Rs.3,33,402/- to the mother of the applicant and she is also getting family pension Rs.5,600/- per months approximately. Thus, the family of the deceased government servant is not facing any financial crisis. Hence, this OA deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the records, we find that mere payment of the retiral benefits i.e. DCRG, Insurance, GPF etc. is not sufficient ground for rejection of claim of the applicant for compassionate appointment. We find from the orders dated 9.8.2001, 10.10.01, 8.2.02, 20.5.02, 18.10.02, 22.4.03 and 3.9.03 that the respondents have not considered



any facts and circumstances of the case of the applicant and also not considered the contentions raised by the applicant in this OA, whereas the respondents were required to consider all the facts and circumstances of the case. The respondents have simply rejected the claim of the applicant by non speaking orders which are not sustainable in the eye of law.

7. Considering all the facts and circumstances of the case, the impugned orders 9.8.2001, 10.10.01, 8.2.02, 20.5.02, 18.10.02, 22.4.03 and 3.9.03 are liable to be quashed and set aside. Accordingly the aforesaid impugned orders are quashed and set aside. The respondents are directed to reconsider the case of the applicant for compassionate appointment keeping in view all the facts and circumstance of the applicant and also the contentions raised by the applicant in this OA within a period of three months from the date of receipt of a copy of this order. The OA stands disposed of with the aforesaid directions. No costs.

(Madan Mohan)
Judicial Member


M.P.Singh)
Vice Chairman

पृष्ठांकन सं. ओ/न्या..... जबलपुर, मि.....
प्रतिलिपि अच्ये धितः—

- (1) सधिव, उच्च व्यायामालय बाब एवं रियासत, जलालपुर
- (2) राजेन्द्र श्री/श्रीमती/कु. के वित्तउत्तराल
- (3) प्रदेश श्री/श्रीमती/कु. के काउंसल
- (4) वस्त्रपाल, के प्र.अ., जलालपुर लालयील

ਤਿਥੇ ਏਜਿਨੀਰਿੰਗ

पृष्ठांकन सं ओ/न्या..... ज्येष्ठलुट, दि.....
७ तितिलिपि अद्यो पिता ।

(1) रामेश, उमा अध्यक्षात् एवं दूसरी वृक्षात्, जलालपुर
 (2) आडवाक श्री/श्रीमती/दृष्टि काउंसल
 (3) अद्यती श्री/श्रीमती/दृष्टि काउंसल
 (4) अंथल, योपात्, जलालपुर अचार्यात्
 सबला पांडि आवेदन अनुरूपी देव

Mr. Rao Dr. Gopal
Dr. Singh Dr. Gopal

Issued
on 12-5-01
B