

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

Original Application No 201 of 2005

Andore this the 17<sup>th</sup> 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 Pannu  
Khan Ka Bada, Bawan Paigiya, Nai Sadak,  
Lashkar, Gwalior (H.P.)

Applicant

(By Advocate – Shri D.P. Singh)

VERSUS

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)

ORDER

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.

Shri Gopal Kishan Sharma

Deleted as per order of 4-9-06 by M.A. No 1144/05

7.9.06

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



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, दि.....

पतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) आबेदक श्री/श्रीमती/वधु.....के काउंसल
- (3) प्रत्यक्ष श्री/श्रीमती/वधु.....के काउंसल
- (4) मंड्यपाल, को.प्र.अ., जबलपुर न्यायापीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) आबेदक श्री/श्रीमती/वधु.....के काउंसल
- (3) प्रत्यक्ष श्री/श्रीमती/वधु.....के काउंसल
- (4) मंड्यपाल, को.प्र.अ., जबलपुर न्यायापीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Issued  
on 12-5-04

23.11.04  
copy given