

Central Administrative Tribunal  
Jabalpur Bench

OA No.240/05

Indore, this the 18<sup>th</sup> day of August, 2005.

C O R A M

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

Anil Kumar Chakravarti  
S/o Late Shri Sharda Prasad Chakravarti  
R/o Poparam Ka Bhatta  
Bara Pathar Ranjhi  
Jabalpur.

Applicant

(By advocate Shri V.K.Singh)

Versus

1. Union of India through  
Secretary  
Ministry of Defence  
New Delhi.
2. Commandant  
Central Ordnance Depot  
Jabalpur.

Respondents

(By advocate Shri M.Chaurasaia)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks a direction to the respondents to consider his case for compassionate appointment on any Class IV post.

2. The brief facts of the case are that the father of the applicant was an employee of respondent No.2 organization. He died in harness on 20<sup>th</sup> March 2003. After his death, a total amount of Rs.2,58,853/- was paid to the family towards DCRG, which was already spent on the treatment of the deceased. The applicant's family is receiving a meager family pension of Rs.1755/- The deceased left behind his

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widow, 3 sons (including the applicant) and 1 daughter. The applicant who had passed Vth standard applied for compassionate appointment before respondent No.2. The respondent No.2 without considering the family condition of the applicant in its proper perspective rejected the request of the applicant vide impugned order dated 21.5.2004 (Annexure A1). Aggrieved by the rejection of his claim, the applicant has filed this OA.

3. Heard the learned counsel for the parties. It is argued on behalf of the applicant that the terminal benefits received by the family cannot be a ground for rejection of compassionate appointment. The family had already spent the amount on the deceased. The deceased was the only bread earner in the family. The respondents had not allotted the marks and have not considered the case of the applicant properly. The impugned order is not a speaking and reasoned order. Hence the applicant is legally entitled for the relief claimed.

4. In reply, the learned counsel for the respondents argued that as per the policy on compassionate appointment scheme, only 5% of wastage vacancies arising out in a year are meant for such appointments and to cope up these limited number of vacancies, Ministry of Defence vide letter dated 9<sup>th</sup> March 2001 has introduced a 100 points marking systems to mark the really deserving cases and extend the benefit. Accordingly the applicant's case was considered by Board of Officers at COD Kanpur along with similarly placed cases thrice on 19<sup>th</sup> December, 2003, 29<sup>th</sup> March, 2004 and 3<sup>rd</sup> May 2004 strictly as per the above order. But each time, his case could not be recommended by the Board of Officers for compassionate appointment due to limited number of vacancies available and low marks secured by the applicant in comparison to other more deserving cases. The details of the marks secured by the applicant in all the three Boards along with marks secured by the last candidate recommended are mentioned in para 4 of the return. The impugned order passed by the respondents is a speaking a reasoned order in which the marks



obtained by the applicant are also mentioned. Hence this OA deserves to be dismissed.

5. After hearing the learned counsel for both parties and carefully perusing the records, we find that the Board of Officers at COD Kanpur have considered the case of the applicant thrice on 19<sup>th</sup> December, 2003, 29<sup>th</sup> March, 2004 and 3<sup>rd</sup> May 2004 along with other candidates, but each time, the applicant could not be recommended for compassionate appointment due to limited number of vacancies and he also obtained low marks in comparison to other more deserving cases. The arguments on behalf of the respondents that as per the policy on compassionate appointment scheme, only 5% vacancies are earmarked for such appointment is also correct. We have perused the impugned order, which seems to be a speaking and detailed order. Apart from this, the respondents have paid Rs.2,58,855/- as terminal benefit to the family and the family is receiving a monthly pension of Rs.1755/- plus dearness relief on it.

6. Considering all facts and circumstances of the case, we find that the OA has no merit. Accordingly, the OA is dismissed. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

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विविधिन.....  
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(2) अ. नानि, जा..... अ. नानि, जा.....  
(3) अ. नानि, जा..... अ. नानि, जा.....  
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सूचना एवं आवश्यकता .. दि.....  
कोटी १४००  
उप रजिस्टर

V.K. Singh, PN/231  
M. Cherasia  
PN/231

FCB  
20/8/05