

Central Administrative Tribunal
Jabalpur Bench

Jabalpur, this the 6th day December, 2005.

OA No.242/05

C O R A M

Hon'ble Mr.Madan Mohan, Judicial Member

Om Prakash Kori
Son of Late Shri Sumeshwar Kori
R/o Village Amkhera
P.O.Adhartal, Jabalpur
District Jabalpur.

Applicant

(By advocate Shri N,K,Tiwari)

Versus

1. Union of India through
its Secretary
Ministry of Defence
New Delhi.
2. The General Manager
Vehicle Factory
Jabalpur.

Respondents

(By advocate Shri Manish Chaurasia)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:

- (i) Direct the respondents to grant appointment on compassionate basis to the applicant.
2. The brief facts of the case are that the father of the applicant who was working as Labour under the Vehicle Factory, Jabalpur, died in harness on 21.8.2000. After his death, the mother of the applicant submitted an application for compassionate appointment of her son- the applicant herein- in November 2000. It was also mentioned in the application that the daughter of the deceased Smt.Radha Bai and her



two sons were also depended upon the applicant. Thereupon the respondents directed the mother of the applicant to produce the divorce certificate in respect of Smt.Radha Bai. In compliance with the directions of the respondents, the applicant produced the divorce certificate of his sister issued by the Gram Panchayat but the respondents refused to accept it and again directed the applicant to produce a divorce certificate issued by the court only. Then he applicant submitted the decree of divorce issued by the Family Court, Jabalpur (Annexure A3). When no action was taken by the respondents regarding the compassionate appointment of the applicant, the applicant filed an OA No.474/03 which was disposed of by the Tribunal directing respondent No.2 to consider and decide the representation of the applicant by passing a speaking and reasoned order. However, the respondents have not taken any action regarding the compassionate appointment of the applicant till date. Hence this OA is filed.

3. Heard learned counsel for the parties and perused the records, It is argued on behalf of the applicant that the impugned order dated 9.11.2004 (Annexure A8) passed by respondent No.2 is illegal, contrary to law and liable to be quashed. Though the Tribunal had directed respondent No.2 to pass a speaking and reasoned order on merit regarding the compassionate appointment of the applicant, respondent No.2 is delaying the case even now. The applicant's mother, sister and her two sons are fully dependent upon the applicant after the death of his father. The family has no source of income other than the meager pension.

4. In reply, learned counsel for the respondents argued that consequent on the death of the employee, the family of the deceased was paid Rs.2,22,186/- as terminal benefits. Widow also receives pension of Rs.1720/- plus admissible DA. When the mother of the applicant submitted an application on 20.10.2000 seeking appointment to her son on compassionate grounds, the family circumstances of the deceased employee were verified through



DLWC in order to assess the pecuniary condition of the family before considering the case. The case of the applicant was placed before the Board of Officers for consideration in accordance with the policy on the subject. The Board allotted points to each aspects of the case as per guidelines and it could score only 42 points. Because of the large number of cases being referred for appointment on compassionate ground and limited number of vacancies available for such appointment within 5% quota, the factory had fixed minimum cut off points of 55 out of 100 points for appointment if vacancy is available. Even many cases, which scored 55 or more points, are still lying in the waiting list for appointment on compassionate grounds because of non-availability of vacancies. Therefore the case of the applicant could not be accommodated being not a deserving one. Moreover, DLWC after verification had submitted that one of the daughters of the deceased who had already got married was said to be divorced but the family could not produce any legal documents in support of their claim, due to which her dependency could not be proved.

5. After hearing learned counsel for the parties and perusing the records, I find that the respondents have mentioned in the reply that one of the daughters of the deceased who had already got married was said to be divorced but the family could not produce any legal documents in support of their claim, due to which her dependency could not be proved. This fact is also mentioned in the impugned order Annexure A8. I have perused the copy of the judgment dated 18.12.2002 passed by the Family Court, Jabalpur. It is filed by Smt.Radha Bai Kori against her husband Munnu Kori and the relationship between the aforesaid two persons has been dissolved by the Decree of Divorce and this fact has not been considered by the respondents while passing the impugned order Annexure A8. Smt.Radha Bai is admittedly the married daughter of the deceased employee Sumeshwar Kori and she has two minor children also. Hence she being a divorced daughter comes within the definition of the family of deceased employee.



6. Considering all facts and circumstances of the case, I am of the considered view that the dependency of the married/divorced daughter has not been considered by the respondents while considering the compassionate appointment of the applicant. Hence the impugned order dated 9.11.2004 Annexure A8 is quashed and set aside and the respondents are directed to consider the case of the applicant within a period of three months from the date of receipt of a copy of this order, by passing a detailed, speaking and reasoned order.

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



(Madan Mohan)
Judicial Member

aa.

पृष्ठांकन सं. ओ/ब्या. जयलपुर, दि.
 (1) सतीश कुमार के कार्यालय N.K. Tiwari
 (2) सतीश कुमार के कार्यालय M. Chaurasia
 (3) सतीश कुमार के कार्यालय
 (4) सतीश कुमार के कार्यालय
 सूचना एवं आचार्य के कार्यालय
 8/12/05 उद्य. रजिस्ट्रार

Filed
 8/12/05