

**Central Administrative Tribunal**  
**Jabalpur Bench**

**OA No.244/2005**

Jabalpur, this the 21<sup>st</sup> day of July, 2005.

**C O R A M**

**Hon'ble Mr.Madan Mohan. Judicial Member**

Manish Chandra Rohit  
S/o late Shri N.C.Rohit  
R/o Near Laxmi Ben  
East Ghamapur  
Jabalpur.

Applicant.

(By advocate Shri Sajid Akhtar)

Versus

1. Union of India through  
Secretary  
Ministry of Defence,  
Department of Defence Production  
New Delhi.
2. General Manager  
Gun Carriage Factory  
Jabalpur.

Respondents

(By advocate Shri P.Shankaran)

**O R D E R**

**By Madan Mohan. Judicial Member**

By filing this OA, the applicant seeks a direction to the respondents to reconsider the case of the applicant for compassionate appointment.

2. The brief facts of the case are that the father of the applicant, while working as UDC in Gun Carriage Factory, Jabalpur, died of throat cancer on 26.7.2002, leaving behind his widow, an unmarried daughter and two sons (including the applicant). The family was granted the terminal benefits amounting to Rs.2,34,163/- and is being



paid monthly pension of Rs.2725/- plus interim relief. It is alleged in the application that the terminal benefits received by the family were exhausted by paying up the loans taken during the treatment of the deceased. After the death of the applicant's father, the mother of the applicant made several unsuccessful representations towards employment assistance for the applicant on compassionate grounds. The applicant preferred application dated 2.9.04 seeking employment assistance on compassionate grounds. The respondents vide order dated 6.9.2004 rejected the case of the applicant. Hence this OA is filed.

3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that the respondents have committed an error in taking into account the entire sum of terminal dues while rejecting the claim of the applicant, ignoring the fact that the applicant had utilized the same to repay the loans. The impugned order is bad in law as it is issued mechanically and without application of mind.

4. In reply, learned counsel for the respondents argued that the Department of Personnel and Training, in order to ascertain the eligibility for compassionate appointment, has clearly stipulated certain yardsticks like terminal benefits, moveable/immovable property, dependent children including unmarried daughters. These criteria have been graded into 100 point grading scale. When the appropriate screening committee examined the case of the applicant, the applicant got only 46 points within the 100-point grading scale. Moreover, there was no vacancy within the 5% posts earmarked for the purpose. Even the more meritorious candidates than the applicant could not be accommodated due to lack of vacancy. He further argued that the denial of compassionate appointment to the applicant on the above grounds is within the ambit of law and is in order.

5. After hearing the learned counsel for the parties and perusing the records, I find that in para 5 of the reply, the respondents have given a chart in which 10 names are mentioned above the applicant's name, along with the marks obtained by each of them. All those 10



persons mentioned are more meritorious than the applicant and even then they are not appointed. Hence the argument of the respondents that even the more eligible candidates than the applicant could not be accommodated for compassionate appointment due to lack of vacancy seems to be correct. I also find that the case of the applicant has been reviewed by the screening committee on three different occasions, as is mentioned in para 7 of the reply. The respondents are legally required to consider cases of compassionate appointment on three different occasions within a span of three years. The respondents have complied with this requirement.

6. Considering all facts and circumstances, I am of the considered opinion that the OA has no merit. Accordingly, the OA is dismissed. No costs.

(Madan Mohan)  
Judicial Member

aa.

पूठानकन सं ओ/न्या.....जबलपुर, दि.....

पत्तिलिपि अन्वेषित:-

- (1) सक्ति, उच्च न्यायालय वार एसोसिएशन, जबलपुर
- (2) आवेदन श्री/श्रीमती/शु.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/शु.....के काउंसल
- (4) न्यायपाल, को प्रजा, जबलपुर न्यायपीठ  
सूचना एवं आवश्यक कार्यवाही हेतु  
उप रजिस्ट्रार

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