

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.292/05

Jabalpur, this the 28th day of June 2005

CORM

Hon'ble Mr.Madan Mohan, Judicial Member

Pappu Lal Kori
S/o Shri Chakodi Lal Kori
R/o H.No.1680, Baldi Kori Ki Dafai
Sidh Ward,
Jabalpur (MP).

Applicant

(By advocate Shri Manoj Shrivastava on behalf
of Shri P.N.Mishra)

Versus

1. Union of India
Through Secretary
Ministry of Defence
New Delhi.
2. The General Manager
Ordnance Factory Khamaria
Jabalpur.
3. Assistant Labour Welfare Commissioner
Labour Welfare Department,
Ordnance Factory, Khamaria
Jabalpur. Respondents.

(By advocate Shri A.P.Khare)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks a direction to the respondents to appoint him on compassionate grounds.

2. The brief facts of the case are that the father of the applicant- Shri Chhakodilal Ji Kori who was an employee of the Ordnance



Factory, Khamaria, died in harness on 12.10.96. Thereafter, the mother of the applicant made an application to the General Manager, Ordnance Factory, Khamaria for employment assistance on compassionate grounds to her son, the applicant herein. Though the mother of the applicant submitted all necessary documents, as directed by the respondents, they did not take any action in regard to compassionate appointment of her son. The applicant filed OA No.664/04 before the Tribunal, which was disposed of vide order dated 20.7.2004 directing the respondents to consider and dispose of the representation of the applicant dated 26.8.02 by passing a speaking and detailed order within three months. In pursuance of the directions of the Tribunal, the applicant was informed vide letter-dated 27.10.04 that his case was considered by the respondents thrice but he was not found eligible for the compassionate appointment and that his claim would not be considered in future also. Aggrieved by the non-consideration of his claim for compassionate appointment, the applicant has filed this OA.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that the respondents failed to consider the fact the applicant belongs to Scheduled Caste category and reserve category should be given preference. In the impugned order, the respondents ought to have mentioned as to why the applicant's case will not be considered in future because in the order it was not mentioned as to when the appointments were made. The respondents are bound to obey the order of the Tribunal. They have also not considered the indigence of the family. Hence the applicant is entitled for the relief claimed.

4. In reply, learned counsel for the respondents argued that the family had been paid all terminal benefits, which comes to Rs.1,11,747 (excluding GPF). Apart from this, the family is getting family pension of Rs.1585 plus DA every month. Thus it cannot be



said that the family is in financial crisis. The competent authority in accordance with the existing DoPT instructions duly considered the request made by the mother of the applicant for providing employment assistance to the applicant on compassionate ground and marks were given to all attributes. The applicant scored 54 marks. The respondents had considered the request of the applicant thrice and it was finally turned down due to less scoring and non-availability of suitable vacancy on account of ceiling of 5% of vacancy falling under direct recruitment quota. Therefore the OA is liable to be dismissed, argued the counsel.

5. After hearing the learned counsel on both sides, and perusing the records, I find that the respondents have considered the case of the applicant three times, as per the instructions of the Ministry of Defence. It is clear from the impugned order that the applicant could score only 54 marks while the candidate who was appointed scored 78 marks. It is also seen that the respondents have complied with the directions given by the Tribunal in OA 664/04. The family cannot be said to be in indigent circumstances as they have received the terminal benefits and are getting a family pension of Rs.1585 plus DA. The impugned order dated 27.10.2004 seems to be justified and legal.

6. In view of what is stated above, I find that the OA has no merit and is dismissed accordingly, No costs.


(Madan Mohan)
Judicial Member

aa.

प्रांकन सं ओ/ला. प्रतिनिधि उच्चो दिवान:— नवलपुर, दि.
 (1) सचिव, उच्च वायावान्य बाब एसोसिएशन, नवलपुर
 (2) आवेदक श्री/महिला/सुनु
 (3) प्रत्यधी श्री/महिला/सुनु
 (4) चयपत्र, दिवान एसोसिएशन, नवलपुर
 सचिवा एवं आवेदक कार्यकारी समिति
 उप राजिकार

P. D. Mohan 02/02/2005
 P. D. K. Mohan 02/02/2005
 J. B.

*FMSL
30/6/05*