

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR

Original Applications No 296 of 2005

Jabalpur, this the 28<sup>th</sup> day of June, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

Smt. Prabh Devi Raikwar W/o Late  
Shri Nathu Lal Raikwar Aged about 45  
Year Residence of H.N.637 Behind  
Aalm Atishbaj Ghoda Nakkas  
Milonignaj Jabalpur M.P.

Applicant

(By Advocate – Shri Rakesh Somi along with Shri M.N. Banerjee)

**V E R S U S**

1. Union of India Through its Secretary  
Ministry of defence New Delhi.
2. The Chairman Ordnance Factory  
Board Saheed Khudi Ram Bose Marg  
Kolkatta West Bangal
3. The Commandant Central Ordnance  
Depot Post Box No.20 -482001  
Jabalpur.

Respondents

(By Advocate – Shri S.A. Dharmadhikari)

**O R D E R**

**By Madan Mohan, Judicial Member –**

By filing this Original Application, the applicants have sought the following main reliefs :-

“ii. Direct the respondents to consider the case of the petitioner for the compassionate appointment and may kindly be quashed the impugned order dated 11.2.2004 in the interest of justice.”

2. The brief facts of the case as stated by the applicant are that the applicant is the widow of late Shri Nathu Lal Raikwar, who was working under the respondent as labour and he died on 29.4.2000



leaving behind his widow, two unmarried daughter, one adopted son and his parents. The family of the applicant is facing acute financial crisis. Therefore, the applicant applied for compassionate appointment, which was rejected by the respondents on the basis of false and baseless ground and also without proper consideration the claim of the applicant. The applicant received very meagre amount of Rs.35,000/- as terminal benefits and is getting family pension amounting to Rs. 1685/- per month. The respondents have not properly considered the claim of the applicant. Hence, this OA.


3. Heard the learned counsel for the parties and carefully perused the records.

4. It is argued on behalf of the applicant that the husband of the applicant died on 29.4.2000 leaving behind him, his wife and two unmarried daughters and also parents of the deceased Government servant. According to para F and G of Annexure-R-2, the respondents have allotted only 10 marks to the applicant against two minor daughters while they should have allotted 10 more marks against two unmarried daughters. He further argued that if these marks are added in 62 marks allotted to the applicant then she is entitled for appointment on compassionate ground. But, the respondents have not followed their own rules and they have also not considered the other contentions of the applicant.

5. In reply the learned counsel for the respondents argued that after the death of, husband of the applicant, he left behind him, his widow and two minor daughters. The family of the applicant has received amounting to Rs.35,000/- as terminal benefits and the applicant is also getting family pension of Rs.1685/- per month. The application for compassionate appointment moved by the applicant has been thoroughly considered before separate board of officers three times, but due to limited number of vacancies of 5% for

compassionate appointment she was not recommended by the board of officers for compassionate appointment. Since, the case of the applicant has been considered by the respondents for three times according to the policy of Government of India, thus her case has been rejected vide order dated 11.2.2004 (Annexure-R-3) by the respondents because she was not to be found fit for compassionate appointment. Hence, the respondents have not committed any irregularity or illegality while passing the impugned order.

6. After hearing the learned counsel for the parties and on careful perusal of the records, I find that the deceased Government servant left behind him, his widow and two minor daughters out of them one become major in the year 2003 according to the letter dated 8.2.2001 (Annexure-A-5). The respondents have allotted 10 marks to the applicant against the minor children of the deceased Government servant according to their rules. The argument advanced on behalf of the applicant that the respondents should have also allotted 10 more marks to the applicant, as her daughters are unmarried. I find that the respondents have already granted 10 marks in respect of minor children to the applicant and no marks can be granted in respect of unmarried daughters because unmarried daughter means that her age should be 18 years or above as per law. Therefore, the aforesaid arguments advanced on behalf of the applicant seems to be not tenable. Thus the respondents have rightly allotted the marks to the applicant and they have already considered the case of the applicant three times as required under the rules. We find that the respondents have passed the impugned order dated 11.2.2004 in accordance with the policy of Government of India, Ministry of Defence. Hence, we do not find any merit in this OA. Accordingly, the same is dismissed. No costs.

  
(Madan Mohan)  
Judicial Member