

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

**OA No.363/05**

Jabalpur, this the 22<sup>nd</sup> day of July, 2005.

**C O R A M**

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

Ashish Malhotra  
S/o Late Shri Omprakash Malhotra  
R/o 178, Adarsh Nagar  
Jabalpur.

Applicant

(By advocate Shri Manoj Chandurkar)

Versus

1. Union of India through  
Its Secretary  
Ministry of Defence,  
New Delhi.
2. C.G.D.A.(AN)  
West Block -V, R.K.Puram  
New Delhi.
3. Controller of Defence Accounts  
Ridge Road, Jabalpur.

Respondents

(By advocate Shri Manish Chaurasia)

**O R D E R**

**By Madan Mohan, Judicial Member**


By filing this OA, the applicants seek a direction to the respondents to consider him for appointment on compassionate grounds.

2. The brief facts of the case are that the father of the applicant while working on the post of Senior Auditor under respondent No.3 died in harness on 19.1.2000, leaving behind his widow, a son (the applicant) and a daughter. After the death of his father, the applicants



applied for compassionate appointment vide application-dated 8.2.2000. It is stated that the applicant fulfills all the requisite requirements for appointment as Class III. Copies of the mark sheets of Higher Secondary and B.Com are annexed as A-5 & A6. Respondent No.3 informed the applicant about his inability to provide appointment due to non-availability of vacancies vide letter dated 8.1.2003 (Annexure A7). When nothing was heard from the respondents for a long time, the applicant's mother submitted a representation to respondent No.2, for providing employment to her son, stating therein the hardship of the family and other circumstances (Annexure A8). On receiving the representation, respondent No.2 directed respondent No.3 to examine the case of the applicant and on receiving the direction from Delhi HQ, respondent No.3 issued the impugned order dated 15.2.2005 rejecting the claim of the applicant. Hence this OA is filed.

3. Heard learned counsel for the parties. It is argued on behalf of the applicant that the respondents have failed to appreciate the family circumstances of the applicant and passed the impugned order on arbitrary ground. The respondents have taken the plea of non-availability of posts while passing the impugned order. But only 10 days after passing the impugned order, the Ministry of Defence had published an advertisement in the newspaper inviting applications for vacancies of Class III posts. Thus the ground taken by the respondents about non-availability of posts is baseless. He further argued that the family of the applicant is depended upon only the pension of the deceased. The applicant has a marriageable sister. By passing the impugned order, the respondents have defeated the whole purpose of the scheme for compassionate appointment. I have perused the written arguments filed on behalf of the applicant in which it is mentioned that the deceased has left behind 3 members in the family and the funds received by the family from the respondents by way of terminal benefits cannot fulfill the requirements through the life and that the amount of pension is also not sufficient to run the family. Without



going into the financial condition of the family, the respondents have denied compassionate appointment to the applicant. In fact the case has to be considered in its proper perspective and not mechanically.

4. In reply, the learned counsel for the respondents submitted that the family of the deceased received a sum of Rs.5,32,383/- as terminal benefits and the widow is also receiving a family pension of Rs.2100/- per month plus dearness relief. Hence the family is not in an indigent condition. The case of the applicant was considered for three years in accordance with the existing orders/instructions on the subject, i.e. June 2002, June 2003 and June 2004 respectively. The respondents have complied with the instructions contained in the OM of the DoPT dated 5.5.2003. The OA deserves to be dismissed, argued the counsel.

5. After hearing the learned counsel for the parties and perusing the records, I find that the respondents have considered the case of the applicant three times as mentioned in para 2 of the return i.e. in the month of June 2002, 2003 and 2004 respectively. The applicant has been intimated about the non-availability of vacancies vide letter dated 8.1.2003. The family of the deceased has received a sum of Rs.5,32,383/- as terminal benefits and the family is in receipt of monthly pension of Rs.2100/- plus dearness relief on it. In the circumstances, I find that the OA has no merit. Accordingly the OA is dismissed. No costs.



(Madan Mohan)  
Judicial Member

aa.

पूलांकन सं ओ/न्या.....जबलपुर, दि.....  
पसिलिनि अरु निता:-  
(1) सखि, जम्बु जम्बुपुल बाव एवेरिपुल, जबलपुर  
(2) आवेवत श्री/श्रीमती/कु.....को काउंसल  
(3) प्रयसी श्री/श्रीमती/कु.....को काउंसल  
(4) गंधपाल, कोपडा, जबलपुर ब्यासपीठ  
सचना एवं आवश्यक कार्यवाही हेतु  
25/11/05  
डप रजिस्ट्रार

m. Chandra Kumar  
m. Chandra Kumar

Typed  
25-7-05