

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

**OA No.420/05**

Jabalpur, this the 2<sup>nd</sup> day of December 2005.

**C O R A M**

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

Smt.Kamlesh Bakshi  
Widow of late Virendra Kumar Bakshi  
R/o B/3 Patel Nagar  
Maharajpur  
Jabalpur(MP).

Applicant

(By advocate: Shri R.K.Verma)

Versus

1. Union of India through  
Secretary  
Ministry of Finance  
New Delhi.
2. Senior General Manager  
Vehicle Factory  
Jabalpur (MP).

Respondents.

(By advocate Shri P.Shankaran)

**ORDER**

**By Madan Mohan, Judicial Member**

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

- (i) Direct the respondents to grant compassionate appointment to the applicant's son.
- (ii) Quash the order-dated 18.5.2005 passed by respondent No.2.

2. The brief facts of the case are that the husband of the applicant Virendra Bakshi, who was working as High Skilled Gr.I in the Vehicle Factory, Jabalpur, died in harness on 31.12.99, leaving behind the applicant and her two sons. Thereafter the applicant moved an application to the respondents for compassionate appointment of her



son. She also submitted the dependency certificate in respect of her father in law. However, in spite of repeated representations, no action has been taken by the respondents in providing employment assistance to the son of the applicant. Finally vide impugned order dated 18.5.2005, the request of the applicant was rejected by the respondents on the ground that the son of the applicant could not secure minimum 55% points out of 100. Challenging the impugned order and praying for compassionate appointment to her son, she has filed this OA.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that the case of the son of the applicant Shri Vikrant Bakshi was considered way back in the year 2000-01 and a decision was taken to issue the appointment order. However, the same could not materialize for reasons best known to the respondents. The impugned order was issued during the pendency of the OA. Under DoPT scheme governing the compassionate appointment, it is nowhere provided that minimum 55% points are to be obtained. On the other hand, the scheme for compassionate appointment stipulates various parameters like terminal benefits, family pension, movable/immovable property, number of dependents etc. The impugned order issued is not in accordance with the DoPT scheme.

4. In reply, learned counsel for the respondents argued that on the death of the applicant's husband, the family was paid DCRG amounting to Rs.2,67,557/- and is being paid family pension of Rs.2700/- plus admissible DA. The family resides in their own house and is not incurring any expenses towards rent for the purpose. 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 only 45 points out of 100. Because of 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 administration fixed minimum cut off points of 55% out of 100 points for consideration for appointment if vacancy is



available. Even many cases, which scored 55 or more points, are still in the waiting list for appointment on compassionate grounds because of non-availability of suitable vacancies. Therefore the case of the applicant could not be accommodated and it was rejected by the competent authority as per the impugned order dated 18.5.2005.

5. After hearing learned counsel for the parties and perusing the records, I find that the respondents have considered the dependency of her father in law and educational qualification of the applicant's son while passing the impugned order. The contention of the respondents that the family of the applicant owns a residential house is not controverted by the applicant by filing a rejoinder. The applicant's son has scored only 45 points out of 100. I have perused the original records and materials produced by the learned counsel for the respondents, in which Shri Vikrant Kumar Bakshi, son of Late Virendra Kumar Bakshi (deceased employee) has scored 45 marks and is shown to be not recommended, while other candidates have scored more marks from 55 to 84 marks and another candidate P.K.Nikhre has scored 55 marks without qualification marks. Compassionate appointment is not a matter of right. This scheme is introduced to provide immediate financial help to the family of the deceased employee who is indigent condition.

6. After considering all the facts and circumstances of the case, I am of the considered view that this OA has no merits. Accordingly the OA is dismissed. No costs.

(Madan Mohan)  
Judicial Member

पुस्तक संख्या .....  
aa. (1) .....

(2) .....

(3) .....

(4) .....

रजिस्ट्रार

R.K. Verma B.A. B.P.

P. Shankaran B.A. B.P.

Filed  
27-12-05

27/12/05