

Central Administrative Tribunal
Jabalpur Bench

OA No.827/05

Jabalpur, this the 2nd day of December, 2005.

C O R A M

Hon'ble Mr. Madan Mohan, Judicial Member

1. Smt. Sona Bai
W/o Shri Kashi Prasad Patel
Ex-Labour
100/23868 Ordnance Factory
Khamariya
Jabalpur.

2. Uttam Patel
Son of Shri Kashi Prasad Patel
C/o Sant Lal Patel
Sant Lal Kirana Shop
Purani Basti Sadar
Jabalpur.

Applicants.

(By advocate Shri M.N. Banerjee)

Versus

1. Union of India through
its Secretary
Ministry of Defence
New Delhi.

2. The General Manager
Khamariya
Jabalpur.

Respondents

(By advocate Shri A.P. Khare)

ORDER

By Madan Mohan, Judicial Member

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

- (i) Direct the respondents to grant appointment on compassionate basis to applicant No.2.



- (ii) Or in the alternative if relief No.1 is not granted the respondents be directed to consider the case of applicant No.2 for appointment on compassionate ground three times as per rules on the basis of merit.

2. The brief facts of the case are that the husband of applicant No.1 and father of applicant No.2 Shri Kashi Prasad Patel while working as labour in Ordnance Factory Khamariya, Jabalpur fell ill and was mentally disturbed, which resulted in his boarded out from duty on medical ground in the year 1974. An application for appointment on compassionate ground for Ku.Mamta, elder sister of applicant No.2 was moved by applicant No.1 but the same was not decided by the respondents and meanwhile she got married. Thereafter an application for the same purpose was moved by applicant No.1 in favour of applicant No.2, which also met the same fate by a non-speaking order dated 30.6.99. It is alleged in the application that the request of the applicant should have been considered on merit three times. Applicant No.1 again moved an application on 23.7.02 for considering the case of applicant No.2, which is still pending. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicants that as per rules and instructions on the subject, the case of applicant No.2 should have been considered three times whereas he was considered only once and that too it was rejected by a non-speaking order.

4. In reply, learned counsel for respondents argued that Shri Kashi Prasad was an ex-employee of the factory. He was medically boarded out on 28.2.1974. After keeping silent for a very long time (about 22 years), wife of the deceased employee had requested for appointment of her son on compassionate ground in place of her husband in 1996. It is thus evident that the family was not in indigent circumstances and could pull on for long 22 years. The scheme of appointment on compassionate ground is not a matter of right but only to give immediate relief to the family of the deceased employee who are in

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indigent circumstances. If the family was really in need of such appointment, the wife could have applied at the very initial stage.

5. After hearing both parties and perusing the records, I find that admittedly the husband of the applicant No.1 was medically boarded out in 1974. His wife had requested for employment assistance for her son only in 1996 i.e. after 22 years. The scheme for employment assistance on compassionate grounds is meant for providing immediate relief to the family of a government servant who dies in harness, leaving the family in destitution. I have perused the order dated 30.6.99 (Annexure R1) in which is clearly mentioned that the husband of the applicant was medically boarded out on 28.2.74 i.e. this matter is about 22 years old in 1996.

6. Considering above facts and circumstances of the case, I am of the considered view that this OA has no merit Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

aa. पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिनिधि : वाच्येयिता:-

- (1) सचिव, उच्च न्यायालय एवं प्रभारिणाल, जबलपुर
- (2) ओ/न्या.....के काउंसल
- (3) प्रत्यर्थी.....के काउंसल
- (4) विवादात्त, ओ/न्या.....के काउंसल

सचिव एवं आवेदक के बीच के
6/12/05 उच्च न्यायालय

M. H. Benarjee
R. D. Khare } 230

6/12/05
F. S. S. S.