

Central Administrative Tribunal
Jabalpur Bench

OA No.923/05

Jabalpur, this the 26th day of July 2006.

CORAM

Hon'ble Mr.A.K.Gaur, Judicial Member

Smt.Kamla Bai
Widow of Late Kishan Lal Rajput
R/o H.No.366 Barou Mohalla Dwarka Nagar
Ghamapur, Jabalpur.

Applicant

(By advocate Shri R.K.Jatav)

Versus

1. Union of India through
Its Secretary
Ministry of Defence
New Delhi.
2. The Chairman
Board of Ordnance Factories
Kolkata
3. The General Manager
Grey Iron Foundry
Jabalpur.
4. Works Manager (Administration)
Grey Iron Foundry
Jabalpur.
5. Smt.Ganga Bai Vishwakarma
W/o Late Ishwar Singh Vishwakarma
T.No.3711
6. Smt.Anita Chouhan
W/o Late Inderlal Chouhan
T.No.3714.
7. Smt.Geeta Bai
W/o Late Bhagchand
8. Smt.Goda Bai
W/o Late Veer Singh
9. Smt.Kamla Bai
W/o Late Jagdish.

Respondents

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(Private respondents are employed
in Section Yard, GIF, Jabalpur.)

(By advocate Shri P.Shankaran)

ORDER

By A.K.Gaur, Judicial Member

This is the second round of litigation by the applicant seeking to issue a direction to the respondents 1 to 4 to appoint her on compassionate grounds and for quashing the order dated 4.6.99.

2. The brief facts of the case in a narrow compass are as follows:-

The applicant is widow of late Kishan Lal Rajput who died while in service on 25.3.97. According to the applicant, private respondent Nos. 5 to 9 have been given compassionate appointment, whereas the same has been denied to her arbitrarily. It is also alleged in the OA that the private respondents are less deserving and needy as they have their own immovable properties; they have no liability to maintain family and they all reside in their own accommodation.

3. The applicant earlier filed an OA No.240/2000, and this Tribunal vide its order dated 13.2.2004 quashed the non-speaking four line order dated 4.6.99, and directed the respondents to reconsider the matter for the purpose of grant of compassionate appointment to the applicant, by assigning reasons in view of their own circulars. Thereafter, vide order dated 26.4.2004, the respondents declined to grant compassionate appointment to the applicant (A-4). Feeling aggrieved by this order, the applicant approached this Tribunal filing a contempt petition No.94/04, which was dismissed. The applicant again took up the matter in a review application No.20/05, which was rejected by the Tribunal vide order dated 1st July 2005. Thereafter the applicant approached the Hon. High court by filing W.P.No.8006/05. The High Court dismissed the writ petition and directed the applicant to approach the Tribunal under Section 19 of the A.T. Act. Hence this OA.

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4. Respondents have filed a detailed reply and denied the allegations contained in the OA. They have contended that the case of the applicant was duly considered by the competent authority by considering all aspects of the case, financial condition of the family, dependent family members, monetary benefits received by the widow, service left out by the applicant's husband etc., as per existing policy. The applicant is living with her daughter in her own house, which was inherited by her after the death of her husband, who also got it as his parental share. The case of the applicant cannot be compared with that of private respondent No.5 whose husband died in 1989 whereas the present applicant's husband expired in 1997. The respondents have devised a formula of awarding points for each attributes which are considered to arrive at a conclusion whether the family is in indigent condition and requires employment assistance for its survival. This policy has been evolved for proper and equitable decision in each case so that only deserving cases i.e. who score highest point, would be in a position to get a chance of employment assistance within the limited 5% vacancies earmarked for compassionate appointment in Group 'C' and 'D' categories. When the case of the applicant was considered, she could get only 45 points, out of 100 whereas, other persons had scored more than 45 points. Therefore, the competent authority came to the conclusion that the applicant was not in indigent condition requiring employment assistance.

5. Having heard the learned counsel for the parties and perused the records, we find that no new point has been raised or argued on behalf of the applicant. We find that a balanced and objective consideration has been done by the respondents in this case. The respondents, on the basis of the formula and criteria of the Scheme, have come to a conclusion that the family of the applicant is not in indigent condition warranting compassionate appointment. The relevant documents with regard to the consideration of the applicant for compassionate appointment had been produced before this Tribunal when the earlier OA was decided and this Tribunal did not find any illegality or

arbitrariness in the action of the respondents except that the order passed by the competent authority was not a reasoned one.

6. It is, settled principle of law that appointment on compassionate ground is not a right. Each case is to be decided on the basis of the policy instructions. The Hon. Supreme Court has clearly held that the scheme of compassionate appointment cannot be adopted as an alternative method of recruitment violating normal recruitment procedures, except in cases where the family of the deceased is in indigent circumstances so that it cannot pull off, in view of the demise of the bread winner. Moreover, according to the guidelines, only those who could score the highest points could be offered appointment on compassionate appointment under the 5% quota. We are of the considered opinion that the respondents have not committed any illegality in rejecting the case of the applicant for appointment on compassionate grounds.

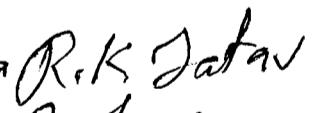
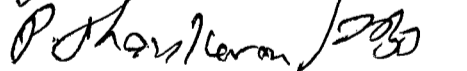
7. In view of the above discussion, we do not find any merit in the OA and accordingly the OA is dismissed. No costs.

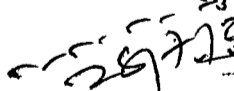

(A.K. Gaur)
Judicial Member

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पूठकन रं ओ/ब्या.....जबलपुर, दि.....
च तिलिचि अये ठिल:-

- (1) सधिव, उच्च न्यायालय तार एरोसिएशन, जबलपुर
- (2) अनेशन की प्रीवरी/पु.....के काउंसल
- (3) प्रयवी प्रीवरी/पु.....के काउंसल
- (4) गंधपाल, ज.स.प. जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु


रजिस्ट्रार

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