

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,Original Application No. 12 of 2005

Jabalpur, this the 9th day of May, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

Chandra Bhan Choudhary,  
Son of late Shri Premial Choudhary  
Aged about 30 years,  
R/o H.No.2438, Infront of Perfect Patry  
Polipathar, Gwarighat Road, Jabalpur  
(M.P.)

Applicant

(By Advocate – Shri Bhoop Singh)

V E R S U S

1. Union of India,  
Through the Secretary,  
Ministry of Defence(Production)  
Government of India, New Delhi.
2. The Director/Chairman,  
Ordnance Factories Board,  
10-A, Shaheed Khudiram Bose Marg,  
Kolkatta(West Bengal).
3. The General Manager,  
Gun Carriage Factory,  
Jabalpur(M.P.)

Respondents.

(By Advocate – Shri P.Shankaran on behalf of Shri A.P.Khare)

O R D E R

By filing this Original Application, the applicant has sought the following main reliefs :-

“(i) The Hon'ble Tribunal may kindly be issued the appropriate writ in the nature of mandamus and other and kindly direct the respondent No.3 to issue the appointment order when the junior persons have been considered.

(ii) That the Hon'ble Tribunal further kindly be pleased to give the appointment after the date of interview and keep the applicant above the juniors persons and kindly give all the consequential benefit to the applicant.”



2. The brief facts of the case are that the father of the applicant late Shri Prem Lal Choudhary was serving under the respondents in Gun Carriage Factory. He died in harness on 11.5.2000. The mother of the applicant filed an application for appointment on compassionate appointment in favour of the applicant as there was no bread earner member in her family. The applicant has submitted all required document i.e. educational certificate, family details, etc., to the respondents and the applicant is 50% handicapped, his police verification is in his favour. The respondents have discriminated in the matter of compassionate appointment and they have given compassionate appointment to some other non deserving candidates. Hence, this OA.

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

4. The learned counsel for the applicant has stated that applicant is 7<sup>th</sup> standard passed and there is no other earning member in his family. The applicant is 50% handicapped and only on this ground, he is entitled for appointment on compassionate ground. The respondents have not intimated about the representation of the applicant regarding compassionate appointment by issuing any order in writing. He further stated that the case of the applicant was not considered three times as required under the Policy of Government of India and the Ministry of Defence. Hence, this OA deserves to be allowed.

5. In reply, the learned counsel for the respondents argued that the case of the applicant was examined alongwith the other similarly placed individuals and he was declared fit for the post of Labourer but he could not be appointed on the ground that he was not coming within 5% existing available vacancies for compassionate appointment. He further argued that the case of the applicant was considered only one time and the applicant has filed this OA at a very



belated stage and this OA be deserves to dismissed on the ground of limitation. On the other hand the learned counsel for the applicant has stated that the respondents have not served any order to the applicant.

6. After hearing the learned counsel for the parties and on careful perusal of the records, I find that the case of the applicant should have been considered 3 times according to policy of Government of India, Ministry of Defence and also according to the latest OM dated 5.5.2003 particularly <sup>in</sup> view of the fact that the respondents themselves have stated that it is a fit case for appointment on compassionate appointment as the applicant <sup>on</sup> was found fit and also a letter for police verification was issued <sup>on</sup> 2.3.2002 but he was not given appointment on compassionate ground due to non availability of 5% of vacancies.

7. After considering all the facts and circumstances of the case and in view of the above discussion, the respondents are directed to consider the case of the applicant for compassionate appointment in terms of the aforesaid policy of the Government of India within a period of three months from the date of receipt of a copy of this order. No costs.



(Madan Mohan)

Judicial Member

प्रठांकन सं ओ/न्या.....जबलपुर, दि.....  
पलिलिपि अन्ते लिखत :-

- (1) सचिव, उच्च न्यायालय जबलपुर, जबलपुर
- (2) आदेशन सी/सीजी, उच्च न्यायालय जबलपुर, जबलपुर
- (3) प्रहरी सी/डीसी/वृ. उच्च न्यायालय जबलपुर, जबलपुर
- (4) न्यायालय, जबलपुर, उच्च न्यायालय जबलपुर, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Bheop Singh, DN IBP  
D-P. Khare DN IBP

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