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**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**JABALPUR BENCH,**  
**JABALPUR**

**Original Application No. 1006 of 2005**

**Jabalpur, this the 21<sup>st</sup> day of August, 2006**

**Hon'ble Shri A.K. Gaur, Judicial Member**

Smt. Kusum Bai, Wd/o. Shri  
Kishan Lal Kol, aged about 42  
years, resident of C/o. Mevalal  
Kol, Opposite Krishna Cold  
Storage, Shobha Printing Press,  
Ram Manohar Lohia Ward,  
Near New Bus Stand, Katni.

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**Applicant**

(By Advocate – Shri S.K. Gupta on behalf of Shri K.N. Pethia)

**V E R S U S**

1. Union of India, through its  
Secretary, Ministry of Defence,  
Raksha Bhawan, New Delhi.
2. Chairman, Ordnance Factory  
Board, 10-A, S.K. Bose Road,  
Kolkata (WB).
3. General Manager,  
Ordnance Factory, Katni.

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**Respondents**

(By Advocate – Shri R.S. Siddiqui)

**O R D E R (Oral)**

Heard the learned counsel for the applicant as well as the  
learned counsel for the respondents.

2. By filing this Original Application the applicant has claimed the  
following main relief:

“(i) That this Hon'ble Tribunal be pleased to quash the  
impugned order dated 8.2.2005 contained in Annexure A-3,

(ii) That this Hon'ble Tribunal be pleased to direct the  
respondents to give the applicant appointment on

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compassionate ground, if not possible in their department then in any other department,

(8(ii)(a)) This Hon'ble Tribunal be pleased to quash the order dated 6.1.2006."

3. The applicant belongs to Scheduled Tribe community. Her husband late Kishanlal Kol died on 6.11.2003 while in service working under the control of respondent No. 3. It is urged on behalf of the applicant that after the death of her husband since no earning member was there in the family, she applied for grant of compassionate appointment by making an application dated 18.11.2003 (Annexure A-2). The said application has been rejected vide ~~the~~ order of respondent No. 3 on 8.2.2005 (Annexure A-3). The applicant thereafter submitted an appeal to the respondent No. 2 Chairman, Ordnance Factory Board, Kolkata (Annexure A-4). Since the said appeal was not decided by the authority, she sent a reminder dated 6.7.2005. During the pendency of this Original Application the applicant has also moved an amendment application. Her application was allowed and the amended Original Application was filed after incorporating the necessary amendment.

4. While deciding the appeal/representation of the applicant the competent authority i.e. Joint General Manager, Ordnance Factory, Katni, vide order dated 6.1.2006 has clearly observed that the case for compassionate appointment of Smt. Kusam Bai wife of late Kishan Lal has been examined with reference to the pecuniary condition of the family of deceased employee and other relevant material on records and in accordance with the relevant instructions on the subject. Further it has been observed that the case of the applicant has been examined by the Board of officers keeping in view financial position, numbers of dependent in the family, presence of earning members in the family, other assets and liabilities etc., as per the guidelines issued by the government to ascertain the degree of pecuniary condition of the family, but the applicant has obtained only

29 marks which is not sufficient for compassionate appointment, keeping in view of limited number of vacancies, in which this case, does not deserve merit.

5. Apart from the aforesaid consideration done by the competent authority, I find that the Hon'ble Supreme Court in 2006 (5) SCC 766, State of Jammu Kashmir & Ors. Vs. Sajad Ahmed Mir has observed that compassionate appointment is an exception and it is not a mode of appointment. The same is granted only in the event if a bread-winner dies and the family is really in distress. In an another case the Hon'ble Supreme Court in 2006(1) ATJ 655, Commissioner of Public Instructions & Ors. Vs. K.R. Vishwanath, held that inspite of death of a sole bread-winner if a family survives for certain period of time no direction for consideration of a person on compassionate ground could be ordered. In the present case the competent authority has carefully considered the case of the applicant in the light of the various guidelines and has ultimately come ~~to~~<sup>to</sup> conclusion that since the applicant has secured only 29 marks which is below the bench mark of 40, no case for consideration is at all made out.

6. In view of the above the Original Application is dismissed. The parties shall bear their own costs.

*A.K. Gaur*  
(A.K. Gaur)  
Judicial Member

"SA"

पूरांकन सं ओ/न्या. जवलपुर, दि. ....  
प तिलिपि अयो हित :-

- (1) सचिव, उच्च न्यायालय तार एसोसिएशन, जवलपुर
- (2) आवेदक श्री/श्रीमती/कु. .... के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/कु. .... के काउंसल
- (4) कंधपाल, को.प्र.म., जवलपुर न्यायापीठ सूचना एवं आवश्यक कार्यवाही हेतु

*K.N. Pathi* 22.8.06

*R.S. Pathi* 22.8.06

*22-8-06*  
उप रजिस्ट्रार

*22.08.06*