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CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JA BALPUR

Original Application No.1040 of 2005

Jabalpur this the 5th day of October, 2006.

Hon'ble Dr.G.C.Srivastava, Vice Chairman
Hon'ble Shri A.K.Gaur, Judicial Member

Loknath Choudhary, son of late Shri Baijnath Choudhary, aged about 28 years, R/o H.No.3522, Hanuman Toria, Kasturba Nagar, Kanchghar, Jabalpur (MP)

-Applicant

(By Advocate – Shri N.K.Tiwari)

VERSUS

1. Union of India through Ministry of Defence, New Delhi.

2. The Chairman, Ordnance Factory Board, 10-A, Shahid Khudiram Bose Road, Culcatta (W.B.).

3. General Manager, Gun Carriage Factory, Jabalpur (MP).

-Respondents

(By Advocate – Shri S.K.Mishra)

ORDER(Oral)

By Dr.G.C.Srivastava, VC.-

This Original Application has been filed seeking a direction to the respondents to grant appointment on compassionate grounds to the applicant consequent to the death of his father in harness.

2. We have heard the arguments and have also gone through the pleadings filed by both the parties.

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3. In the application submitted by the mother of the applicant on 9.1.2004 (annexure A-4) the details of family of the deceased were given as below:

1. Smt. Shyama Bai – wife
2. Lok Nath Choudhary – son – 25 years – unemployed
3. Kumari Asha – daughter – 20 years – unmarried
4. Kumari Meera – daughter – 17 years – unmarried
5. Kumari Reshma – daughter – 10 years – unmarried
6. Kumari Payal – daughter – 7 years – unmarried.

The respondents have submitted that they have considered the application of the applicant's mother on the basis of the departmental guidelines by awarding marks. The relevant portion in the reply is contained in paragraph 9 which is reproduced below:

“That, it is submitted that in this regard the scheme for granting of compassionate appointment to the employee's dependents, the Ministry of Personal (sic - Personnel), Public Grievances and Pension [Department of Personal (sic - Personnel) and Training] vide office Memorandum No.14014/6/1994-Estt(D). dtd.09-10-1998 and MOD ID No.271/93/D(LAB), dt.09.03.2001, has consolidated the various instructions and has crystallized as to whom this scheme should be made applicable. As per the above-referred order as 100-point grading scale has been formulated for attributing to the various parameters for assessing similarly placed individual, for a comparatively balanced objective assessment. This is done in order to ascertain the indigent and the most deserving cases. For doing this, the following parameters like the family pension, terminal benefits, Movable/Immovable property, No.of dependents, unmarried daughters, minor children and left over service has been taken into consideration. On marking as per the above-referred grading, the applicant had obtained only 71 marks in the 100-point grade scale.

The details of the 100 point grading is given below:-

Family pension	1275	20
Terminal benefits	141581/-	07
Income from other sources	Nil	05
Movable/immovable property	Nil	10

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No. of minor children	Nil	00
No. of Unmarried daughter	(4)	15
No. of dependents	(2)	10
Left over service	(8)	4
Total		71"

4. While we agree with the contention of the respondents that grant of appointment on compassionate grounds has to be considered on the basis of merit of each application by awarding marks, we find that certain factual inconsistencies have crept in while awarding marks in the instant case. The learned counsel for the applicant pointed out that the deceased left behind four minor children but while awarding marks, the number of minor children has been mentioned as 'Nil'. Similarly, the number of dependents were five, but marks have been awarded on the basis of only 2 dependents. In view of these inconsistencies, we feel that this case needs a fresh examination by the competent authority in the light of the factual information and the guidelines laid down for award of marks. Accordingly, the respondents are directed to reconsider the case of the applicant on the basis of correct factual information in accordance with the rules and guidelines laid down by the department in this regard within a period of three months from the date of receipt of a copy of this order. With these directions, the OA is disposed of. No order as to costs.


(A.K. Gaur)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

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पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

प तिलिधि अचरं निरा:-

- (1) सखि, उच्च न्यायालय कार पु. निराशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्ययी श्री/श्रीमती/कु.....के काउंसल
- (4) कांयपाल, के.प्र.अ., जबलपुर न्यायालय
सूचना एवं आवश्यक कार्यपुष्टि हेतु

उप रजिस्ट्रार

N.K. Tiwari Adv 233
S.K. Mishra Adv 230

Done
on 2/10/06
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