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CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

Original Application No. 1087 of 2005

Jabalpur, this the 12th day of December, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. M.K. Gupta, Judicial Member

Pratiksha Yadava,
W/o. Late Dinesh Yadav,
Aged about – 47 yeas,
H. No. 134, Chhote Omti,
Oriya Muhalla,
Jabalpur (MP). **Applicant**

(By Advocate – None)

V e r s u s

1. The Union of India,
Through Chairman,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta – 1. **Respondents**
2. The General Manager,
Vehicle Factory, Jabalpur. **Respondents**

(By Advocate – Shri S.K. Mishra)

O R D E R (Oral)

By M.K. Gupta, Judicial Member –

None appears for the applicant even on the second call and therefore, invoking Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987, we decided to proceed with the matter on merits particularly noticing that on earlier two occasions namely 23.10.2006 as well as 10.11.2006, none appeared for the applicant.

2. In this second round of litigation, applicant challenges impugned communication dated 5.1.2004 rejecting the request for appointment on compassionate basis stating that the deceased family

had been paid Rs. 2,99,280/- as terminal benefits and the family consists only three persons. Besides this the family was in receipt of Rs. 2,937/- as family pension besides DA and the family was not living in indigent condition. On an earlier occasion applicant had filed OA No. 821 of 2003 seeking direction to appoint her elder son Nilesh Kumar Yadav in any Group-D category. This OA was disposed of vide order dated 5.12.2003 with direction to the respondents to consider the applicant's representation dated 6.10.2002 and also to consider the said OA as part of the representation and pass speaking and reasoned order within the time limit prescribed. The aforesaid communication dated 5.1.2004 has been issued in compliance of the aforesaid direction of the Tribunal. The contention raised as reflected from the pleadings of the applicant is that the said impugned order is non-speaking order as no reasons have been assigned. There is no application of mind in rejecting such request particularly when no proper consideration had been made in its true perspective. Besides this the respondents' action is violative of Articles 14, 16, 21, 301 and 46 of the Constitution of India.

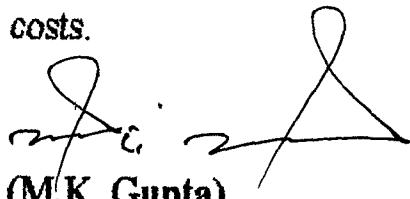
3. The respondents have opposed the claim laid stating that applicant's request for compassionate appointment was considered by the committee of officers as per the policy prescribed by the Government to consider such cases. The total marks from all the factors are 100. In Gun Carriage Factory, minimum 55 points are required to become eligible for compassionate appointment. Despite the bench mark of 55 marks there remain many cases which have secured 56 or more but could not be provided compassionate appointment due to non-availability of vacancies for compassionate appointment.

4. In the instant case the applicant had secured only 39 marks. Hence, she was not found justified. Such aspects were informed to her vide communication dated 5.5.2003. There is no minor family member and all are major being capable of earning like others who

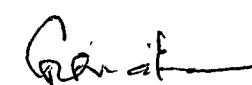
are left without a government job. The whole object of the scheme for compassionate appointment is to enable the family to tide over the sudden crises and to relieve the family of the deceased from financial destitution. In the present case all aspects were considered before rejecting applicant's request for compassionate appointment and therefore there is no justification for judicial interference at this stage, contended learned counsel for the respondents.

5. We have heard the learned counsel for the respondent and perused the pleadings as none appeared for the applicant.

6. On perusal of the impugned order dated 5.1.2004, we are satisfied that all aspects of the case have been considered and it was a specific finding of the respondents that the family is not living in indigent condition which is the first and foremost condition to be satisfied for claim of compassionate appointment. There being no social liability to be discharged by the family as all are major members, the said finding of the authorities is based on proper appreciation of facts and requires no interference in the judicial review. Accordingly, finding no merits, the OA is dismissed. No costs.


(M.K. Gupta)

Judicial Member


(Dr. G.C. Srivastava)

Vice Chairman

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पृष्ठांकन सं. ओ/व्या.....जगलपुर, दि.....
परिवर्तिति वाले दिनांक -

- (1) सरिया, जगलपुर जिला विधान सभा, जगलपुर
- (2) आरोपित काउंसिल, जगलपुर जिला विधान सभा काउंसिल
- (3) जगलपुर जिला विधान सभा, जगलपुर
- (4) ग्रामसभा, जगलपुर जिला विधान सभा, जगलपुर

sunil/vijay warkanna
D200
J.K.M/jay
D203

उच्च शिक्षावार
15/1/16

DSSW
on 15/1/16
BZ