

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 1199 of 2005

Jabalpur, this the 5th day of January, 2006

Hon'ble Shri Justice P.K. Sinha, Vice Chairman

1. Alok Saravangi, S/o. late Ram Narayan Saravangi, aged 27 years, H. No. 423, Kotwali Ward, Miloniganj, Jabalpur.
2. Vidya Devi Saravangi, W/o. late Ram Narayan Saravangi, aged 27 years, H. No. 423, Kotwali Ward, Miloniganj, Jabalpur.

.... Applicants

(By Advocate – Shri R.K. Soni)

Versus

1. Union of India, through its Secretary, Ministry of Defence, New Delhi.
2. The Chairman, Ordinance Factory Board, Saheed Khudi Ram Bose Marg, Kolkatta, West Bengal.
3. The Genral Manager, Vehicle Factory, Khamariya, Jabalpur.

.... Respondents

ORDER (Oral)

Heard the learned counsel for the applicants.

2. The applicants have come up before this Tribunal to direct the respondents to consider the case of the applicant No. 1 for compassionate appointment, quashing the impugned order dated 14.9.2005 (Annexure A-1) by which the request of the applicant No. 1 had been refused. The case in short is that the father of applicant No. 1 (applicant No. 2 being the widow of the deceased employee) had died in harness on 30.1.2003 leaving behind two unmarried daughters and two sons including one

minor and grand parents of the applicant No. 1 without any independent source of income. The learned counsel has submitted that the case of the applicant No. 1 was considered arbitrarily and correct marks were not awarded to him. Thereafter also representations were filed on behalf of the applicants and one such representation is at Annexure A-9, which did not elicit any further reply. It is submitted that the claim of the applicant No. 1 was rejected, not in accordance with the scheme formulated by the Department for compassionate appointment as certain points were not considered, which if considered, would fetch more points in favour of the applicant No. 1 under the 100 point formula. It is also submitted that some other similarly situated dependents were appointed by the respondents making discrimination in the case of the applicants.

3. The order of the respondents at Annexure A-1 is a cryptic one without giving any reason as to why the applicant No. 1's case did not find favour and why he was not found fit for grant of compassionate appointment. It is always desirable that, while rejecting such a prayer of any applicant for compassionate appointment, the authority concerned gives reasons for such denial so that the candidate concerned may know as to where he stands. The applicant in such a case has a right to know the reasons for denial of his claim so that either he is satisfied with such an order or may take recourse to remedies under law meeting the points as given in such an order which would also enable the Tribunals/Courts to know the reason as to why the prayer was rejected.

4. The applicants also claim that some other candidates were favoured and though the applicant No. 1 had a better case, his case was rejected.

5. In my opinion the applicant No. 1 should be given an opportunity by the respondents to place his points afresh to show that his case was better than all those candidates who were granted appointment on compassionate ground, as also an opportunity to convince the respondents about the genuineness of their case.

6. In that view of the matter this application is disposed of, without recording any opinion on the merit of the case, by directing the respondent No. 3, the General Manager, Vehicle Factory, Jabalpur, while quashing Annexure A-1, to consider the case of the applicant No. 1 afresh on his filing a fresh representation within a month of this order giving grounds as to why his case should receive a favorable consideration and, thereafter, to pass a speaking order thereupon within three months of the receipt of the fresh representation. The applicant No. 1 is directed to file his fresh representation giving all the relevant facts that he may consider to be in his favour, within a period of one month of this order alongwith the copy of this order and a copy of this application with annexures, before the respondent No. 3.

7. With the aforesaid directions, this application is disposed of.



(P.K. Sinha)
Vice Chairman

“SA”

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

पटिलिपि डाकसे भिजा:-

- (1) सचिव, उच्च न्यायालय, जयपुर, जयपुर
- (2) जयपुर न्यायालय, जयपुर
- (3) प्रमुख, जयपुर न्यायालय, जयपुर
- (4) जयपुर न्यायालय, जयपुर

सूचना एवं आवश्यक कार्यवाही

जयपुर न्यायालय

Handwritten signature and date: 6.1.06

Handwritten signature and date: 6.1.06