

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR
BENCH, JABALPUR

Original Application No. 1055 of 2004

Jabalpur, this the 1st day of September, 2005

Hon'ble Mr. Madan Mohan, Judicial Member

Vijay Kumar Shrivastava,
S/o. late Chiranjilal Shrivastava,
Aged years, R/o. House No.
259, Chhoti Omti, Jabalpur, MP. Applicant

(By Advocate – Shri Sunil Choubey)

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Defence,
New Delhi.
2. The Commandant, 506,
Army Base Workshop,
Jabalpur 482005. Respondents

(By Advocate – Shri S.K. Mishra)

ORDER (Oral)

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

- “(1) to consider the applicant's case for grant of compassionate appointment,
- (2) to take a positive decision in the matter of grant of pension to the mentally unsound brother.”

2. The brief facts of the case are that the applicant's father late Chiranjilal was working under the respondents Department and he died all of a sudden in harness on 10.5.1985. The applicant's mother requested for grant of compassionate appointment of her son since all the money was spent in re-payment of the loan taken for medical treatment of her husband. The respondents directed the applicant to



submit the required documents and the applicant submitted the documents as desired by the respondents. The mother of the applicant has also submitted an affidavit on 2.9.1997 (Annexure A-9) stating that the applicant lives alongwith her and cares for her. All other sons have no concern with her. The mother of the applicant is receiving Rs. 1,479/- as monthly pension including the DA. She owns a house of 635 square feet. The applicant received a letter dated 27th February, 1999 in which it was mentioned that as per the existing policy the 1st dependent of the deceased may apply for providing compassionate appointment against deceased quota. However, 2nd dependent may be considered as a special case. Other dependents of the deceased like 3rd, 4th and onward cannot be considered for providing compassionate appointment. The respondents without considering the genuine claim of the applicant have rejected the application of the applicant. Hence, this OA is filed.

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


4. The learned counsel for the applicant has submitted that he will not press the relief No. 8(2) i.e. to take a positive decision in the matter of grant of pension to the mentally unsound brother. He has submitted that he will only press the relief No. 8(1) regarding consideration of his case for grant of compassionate appointment. It is argued on behalf of the applicant that the applicant's family is facing acute financial crises after the death of his father. His alleged two brothers are working in Government service but are living separately and they are not giving any type of assistance to the family of the applicant. The applicant once a time by the respondents was assured of a job and in this regard he has drawn my attention towards Annexure A-18 dated 12th September, 1985 issued by the respondents in which the name of the mother of the applicant is mentioned and it was mentioned that at present there are no vacancy of LDCs in this



workshop. In case your son is willing to accept the post of labourer you are advised to bring the original educational qualification certificate on receipt of this letter. Thereafter, the respondents have not considered the case of the applicant and his application was rejected vide order dated 24th February, 2004 (Annexure A-17). The applicant is legally entitled for the reliefs claimed.

5. In reply the learned counsel for the respondents argued that the father of the applicant late Chiranji Lal was employed in the respondents department and he died in harness on 10th May, 1985 i.e. more than 20 years back. This policy of compassionate appointment is framed for providing immediate financial help to the family so that the family of the deceased employee should not face acute financial crises. Apart from it the applicants' 2 brothers are employed in the Government service and the family of the applicant has also been given terminal benefits. The compassionate appointment is not a matter of right. One daughter left behind by the deceased Government servant has already married. The family of the applicant is having no financial crises. Apart from it the applicant owns his own house. Hence, this OA deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, I find that the deceased employee i.e. late Chiranji Lal who was working with the respondents died in harness on 10th May, 1985 i.e. more than 20 years back. Admittedly the two brothers of the applicant are already employed in the Government service though they might have been living separately. The applicant is also having his own house. According to the principles laid down by the Hon'ble Supreme Court regarding compassionate appointment it is not a matter of right and it is only provided in the cases of acute financial crises due to the sudden death of the sole bread earner.



7. Considering all the facts and circumstances of the case, I find that this Original Application is liable to be dismissed as having no merits. Accordingly, the same is dismissed. No costs. However, the applicant will be at liberty to file a fresh OA with regard to his another relief i.e. relief No. 8(2), if he still feels aggrieved and so advised.

(Madan Mohan)
Judicial Member

"SA"

पृथक्कन सं ओ/न्या.....जबलपुर, दि.....

फ तिलिपि अचो णित:-

- (1) सचिव, उच्च न्यायालय वार एरोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के कार्यालय
- (3) प्रत्यक्षी श्री/श्रीमती/कु.....के कार्यालय
- (4) बंधनान्न, लै.प.आ., जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Scms/Chembay B2
JBT
15: 10/10/05
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