

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.114/04

Jabalpur, this the 17th day of August, 2004

C O R A M : Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.A.K.Bhatnagar, Judicial Member

Bhan Chand Kori
S/o Late Shri Manik Lal Kori
R/o Village Pipariya Kusner
Post Badkhera, Thana Panagar
Dist. Jabalpur (MP)

Applicant

(By advocate Shri Anand, Jr.to
Kum.Dadariya)

Versus

1. Union of India
through Secretary
Ministry of Defence
New Delhi.
2. The Chairman
Ordnance Factory Board
A.K.Bose Road
Calcutta.
3. General Manager
Ordnance Factory
Khamariya
Jabalpur (MP)

Respondents.

(By advocate Shri Om Namdeo)

O R D E R (Oral)

By M.P.Singh, Vice Chairman

By filing this OA, the applicant has claimed the following relief:

Quash the impugned orders Annexures A1&A2
and direct the respondents to consider the
case of the applicant afresh for compassionate
appointment and he be appointed on any suitable
post in the Department.

2. The admitted facts of the case in brief are that
the applicant's father who was working as wireman in
ordnance Factory, Khamariya, died in harness on 11.10.2000.
After the death of the applicant's father, the applicant
submitted an application for compassionate appointment.
Respondents vide letter dated 10.2.2001 (Annexure A1)
rejected the claim of the applicant for appointment on
compassionate ground. Hence he has filed this OA.




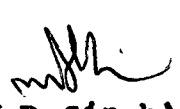
3. Respondents in their reply have stated that the request of the applicant for employment assistance on compassionate ground was considered twice in accordance with prevailing DoPT instructions/guidelines, by the competent authority, immediately on receipt of his application dated 29.11.2000. The applicant scored only 45 marks in the initial round and 65 marks in the second round out of 100. The request of the applicant has been turned down due to the fact that he has scored lesser marks. Persons scoring 93 marks and above are considered for compassionate appointment.

4. Heard learned counsel for both parties.

5. We have given careful consideration. We find that the applicant's case has been considered for compassionate appointment only two times by the respondents. As per the policy laid down by the Ministry of Defence, Govt. of India, vide letter No.10/9(4)/824-99/1998-D (Lab) dated 9.3.01 and by Army HQ's letter No.93669/Policy/OS-SC(I) dated 30.7.99, the case of the applicant is required to be reconsidered by the Board of Officers three times consecutively. Therefore, the respondents have not considered the case of the applicant in accordance with policy framed by the Ministry of Defence and Army HQ.

6. We, therefore, quash Annexures A1 & A2 orders dated 10.2.2001 and 24.10.03 respectively and direct the respondents to reconsider the case of the applicant in accordance with the policy laid down by the Ministry of Defence and the Army Headquarters, within three months from the date of receipt of this order, by passing a detailed and reasoned order.


(A.K.Bhatnagar)
Judicial Member


(M.P.Singh)
Vice Chairman