

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 154 of 2004

Jabalpur, this the 20th day of October, 2004

Hon'ble Shri Madan Mohan, Judicial Member

1. Smt. Pushpa Pathak, W/o. late Shri Krashan Dutt Pathak, H. No. 570/A, Chhota Fuhara, South Miloniganj, Jabalpur.
2. Shri Manoj Pathak, S/o. late Shri Krashan Dutt Pathak, H. No. 570/A, Chhota Fuhara, South Miloniganj, Jabalpur. ... Applicants

(By Advocate - Shri Manoj Mishra)

V e r s u s

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. General Manager, Vehicle Factory, Jabalpur. ... Respondents

(By Advocate - Shri K.N. Pethia)

O R D E R (Oral)

By filing this Original Application the applicants have claimed the following main reliefs :

- "(ii) to quash the impugned order in Annexure A-4,  
(iii) to command the respondents to give employment to the applicant No. 2 on compassionate ground by issuance of necessary order or direction."

2. The brief facts of the case are that the <sup>husband of</sup> applicant No. 1 and the father of applicant No. 2 who was working as UDC in Vehicle Factory, Jabalpur died on 28.11.2001 at Appolo Hospital, Chennai while undergoing treatment. He left behind him his widow two sons and two daughters. The applicant No. 1 is also suffering from several diseases and is getting treatment from private medical practitioner. Both the daughters of the deceased Government servant are unmarried. The applicant No. 1 submitted an application for compassionate appointment in favour of applicant No.





2 i.e. her elder son but it was not considered and the applicants were informed vide order dated 6.5.2002 (Annexure A-4) that her case could not be considered on merits. She again submitted a representation before the Union Minister. Hence, this OA.

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

4. In this case the reply has not yet been filed by the respondents. The learned counsel for the respondents argued that according to the policy of the Government of India, Ministry of Defence, the case of the applicant is to be considered by the respondents for three times. On perusal of the impugned order dated 6.5.2002 (Annexure A-4) it seems that the case of the applicants has not been considered for three times. It should have been considered in accordance to the policy of the Ministry of Defence.


5. The learned counsel for the applicants seems to be satisfied by giving direction to the respondents in this regard.

6. Accordingly, I direct the applicants to submit a fresh detailed representation to the respondents within a period of one month from the date of receipt of a copy of this order giving full particulars and details regarding their claim and if the applicants complies with this, then the respondents are directed to consider and decide the representation of the applicants in accordance with the policy of the Ministry of Defence dated 9.3.2001 and of the Army Headquarters dated 30.7.1999, by passing a speaking, detailed and reasoned



order within a period of three months from the date of receipt of such representation.

7. Accordingly, the Original Application stands disposed of. No costs.

  
(Madan Mohan)  
Judicial Member


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

पसिलिपि ~~133A~~ पित -

- (1) सचिव, उच्च न्यायालय कार (जबलपुर), जबलपुर
- (2) आवेदक श्री/श्रीमती/वधु.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/वधु.....के काउंसल
- (4) कांयपात्र, दरे.प्र.अ., जबलपुर न्यायाधीठ  
सूचना एवं आवश्यक कार्यवाही हेतु

Manoj Mishra

KN Peltia

  
उपे रजिस्ट्रार

Issued  
On 27-10-04  
B