

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,**  
**JABALPUR**

**Original Application No. 185 of 2004**

Indorse this the 18<sup>th</sup> day of October 2005

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

Brijesh Kumar Shrivastava, S/o. late Shri  
Kedar Singh Shrivastava, aged 24 years,  
Occupation – unemployed, resident of  
Bhind Police Colony, Khadan Road,  
Banmore, District Morena (MP). .... Applicant

(By Advocate – None)

**Versus**

1. Union of India, through Secretary,  
Ministry of Defence, New Delhi.
2. Director General, NCC. West Block  
No. IV, R.K. Puram, New Delhi.
3. Commandant, NCC Women Training  
School, Station Road, Gwalior. .... Respondents

(By Advocate – Shri P.N. Kelkar)

**ORDER**

**By Madan Mohan, Judicial Member -**

By filing this Original Application the applicant has claimed the following main reliefs :

- “(i) the respondents be ordered and directed for appointment of applicant to the post of LDC on the compassionate basis as per rules.
- “(ii) the order as passed Annexure A-4 by the respondent No. 2 may kindly be quashed.”
2. The brief facts of the case are that the father of the applicant late Kedar Singh Shrivastava was working as LDC in the respondents department.



He died on 14.5.1999 during the service period due to illness. The applicant has passed his high school examination in the year 1994. The deceased left behind him his widow, four sons and two daughters. Two elder sons of the deceased are engaged in private work and are living separately. The applicants' mother and younger brother are wholly dependent on the applicant. The applicant and his mother have no property and no permanent source of income. The applicant earlier filed OA No. 555/2002 which was decided by the Tribunal with directions to the respondents to decide the representation of the applicant. The representation of the applicant was not considered in its true spirit and was rejected in an arbitrary manner by passing the impugned order dated 28.8.2000 (Annexure A-4). The respondents have not made any enquiry about the financial condition of the applicant. Thus aggrieved by this order he has filed the present Original Application.

3. None is present for the applicant. Since it is an old case of 2004, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.


4. The learned counsel for the respondents argued that the impugned order dated 28.8.2000 is a self speaking order passed in the light of the instructions issued by the DOP&T and also considering all the relevant aspects of the case of the applicant. The applicant has no valid reason or ground for his grievance. Compassionate appointment is granted to the member of the deceased Government servant to tide over the immediate financial crises which is cause due to sudden death of the sole bread earner. In the present case the applicant himself admitted that his two brothers are engaged in private jobs. The respondents have complied with the directions given by the Tribunal vide order dated 16.7.2003 passed in OA No. 555/2002. He further argued that the compassionate appointment is not a matter of right. It is granted for immediate financial assistance to the needed family. Hence, this Original Application deserves to be dismissed.




5. After hearing the learned counsel for the respondents and on careful perusal of the pleadings and records we find that vide Annexure A-3 i.e. the order of the Tribunal dated 16<sup>th</sup> July, 2003 passed in OA No. 555/2002, the respondents were directed to consider and decide the application of the applicant for compassionate appointment. We further find that the respondents have not passed any order in compliance of the aforesaid order of the Tribunal dated 16<sup>th</sup> July, 2003 passed in the aforesaid OA. They have simply mentioned in their return that the applicant has concealed the fact of passing the earlier order dated 28.8.2000 (Annexure A-4). The respondents have not challenged the aforesaid order of the Tribunal dated 16<sup>th</sup> July, 2003 passed in OA No. 555/2002 in any higher Court nor have they filed any Review Application to review the said order of the Tribunal. Thus, still the order of the Tribunal is in existence, whereby they were directed to consider the application of the applicant for compassionate appointment. It was the legal duty of the respondents to consider and decide the application of the applicant for compassionate appointment, as directed in the aforesaid OA.

6. Considering all the facts and circumstances of the case we are of the considered view that ends of justice would be met if we direct the applicant to submit a fresh representation within a period of one month from the date of receipt of a copy of this order. We do so accordingly. If the applicant complies with this, the respondents are directed to re-consider the case of the applicant for compassionate appointment and pass a speaking, detailed and reasoned order within a period of three months from the date of receipt of the representation of the applicant in accordance with rules and law on the subject.

7. In view of the aforesaid, the Original Application stands disposed of.  
No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman