

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

CIRCUIT SITTING AT GWALIOR

OA No.200/04

Gwalior, this the 23rd day of June 2005

C O R A M

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

Sanjay Kadam
S/o Late Shri Basant Rao Kadam
R/o Kenth Wali
Gali, Nai Sadak, Lashkar
Gwalior (MP)

Applicant

(By advocate Shri D.P.Singh)

Versus

1. Office of Accountant General
Madhya Pradesh through its
Accountant General
Govt. of M.P. Moti Mahal
Gwalior.

2. The Accounts Officer
Administration 12
Moti Mahal, Gwalior.

Respondents.

(By advocates Shri M.Rao)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following reliefs:


- (i) Quash the orders Annexure A3 & A5.
- (ii) Direct the respondents to grant compassionate appointment to the applicant.

2. The brief facts of the case are that the father of the applicant while working as Senior Auditor died in harness on 3.11.99. The applicant who has passed intermediate examination submitted an application on 7.3.2000 for grant of compassionate appointment. He was called to appear for an interview before the interview committee on 26.9.2001. He appeared before the interview. However vide letter dated 10.5.2002 the applicant was intimated that compassionate appointment cannot be granted to him. The applicant again submitted an application on

21.2.2003, which was also rejected. Hence this OA is filed.

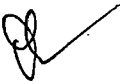
3. Heard learned counsel for both parties. It is argued on behalf of the applicant that the applicant is duly qualified for the post applied for, on compassionate grounds. The impugned orders are contrary to the policy to grant the compassionate appointment to a member of the deceased employee. The claim of the applicant has been rejected without assigning any reason. Hence the impugned orders are liable to be quashed. Learned counsel has drawn our attention towards an order dated 17th May 2004 passed in OA No.303/2003 - Radhakrishnan Ramnani Vs. The Comptroller and Auditor General of India and others, in which the impugned order was set aside on the ground that it was a non-speaking order and no reason had been given for non-appointment of the applicant on compassionate ground.

4. In reply, it is argued on behalf of the respondents that the scheme for compassionate appointment is basically meant for providing immediate assistance to the family of the deceased employee. Its basis is means-cum-merit. The economic status of the family is taken into consideration followed by the merit of the candidate subject to ceiling of 5% vacancies falling under direct recruitment quota in Group 'C' & 'D' posts. The applicant's educational qualification was inter (10+2) and thus was eligible to be considered for compassionate appointment on the post of clerk. However, he has suppressed the fact that his mother was employed in the M.P. State Government as a clerk. This fact came to the notice in the Welfare Officer's Verification



report dated 17.8.2000. The departmental selection committee considered 36 cases during the relevant period. The number of vacancies available was four in Group 'C' and one in Group 'D'. Candidates whose families were in indigent circumstances more than that of the petitioner were recommended by the Committee and offered employment. The family of the deceased government servant received an amount of Rs.3,99,802 as pensionary and other benefits excluding the amount of GPF and Link Insurance, and a family pension of Rs.3400 plus DA ^{were} being paid from 4.11.99 to 2.11.2000 and thereafter Rs.2040 plus DA. Hence the OA is liable to be dismissed.

5. After hearing the learned counsel for both parties and carefully perusing the records, we find that in reply to the earlier application of the applicant for compassionate appointment, the respondents had intimated him vide letter dated 10.5.2002 (A3) that compassionate appointment could not be granted to him. His application was considered sympathetically and the concerned committee had not recommended his case. We have perused the impugned order dated 28.3.2003 (Annexure A5). It is a non-speaking order. The respondents have not assigned any cogent reason for rejecting the application of the applicant for compassionate appointment. We have



perused the order passed in OA No.303/03 dated 17th May 2004 in which impugned order was set aside on the ground that the order was non-speaking and having no reasons. The respondents should have considered the contention of the applicant and should have mentioned the reasons in the impugned order. Merely giving the terminal benefits of the deceased employee to the applicant's family and family pension is not sufficient ground for rejecting the claim for compassionate appointment.

6. Considering all facts and circumstances of the case, we are of the considered opinion that the impugned order dated 28.3.03 (A-5) is liable to be quashed and set aside. We do so accordingly. The respondents are directed to re-consider the claim of the applicant sympathetically for appointment on compassionate grounds by passing a detailed, reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. No costs.

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

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पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....
प तिलिपि अवे धित:-

- (1) सचिव, उच्च न्यायालय एवं एडमिनिस्ट्रेशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के कारुशल
- (3) प्रत्यर्थी श्री/श्रीमती/कु.....के कारुशल
- (4) कार्यपाल, को.प्र.अ., जबलपुर न्यायापीठ
सूचना एवं आवश्यक कार्यवाही हेतु

D.P. Singh & P.V. Ravi
M. Rao & P.V. Ravi

11/5/05 1034 रजिस्ट्रार

Filed
27-6-05