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CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.248/04

Jabalpur, this the 27th day of September, 2004.

CORAM

Hon'ble Mr.Madan Mohan, Judicial Member

Abhishek Kumar Tiwari
S/o Late Shri N.K.Tiwari
R/o 58 Mahakaushal Nagar
Adhartal, Jabalpur (MP)

Applicant

(By advocate Shri Rajendra Shrivastava)

Versus

1. Union of India through its Secretary
Ministry of Defence (Production)
New Delhi.

2. Chairman/Director General
Ordnance Factories Board
10-A, S.K.Bose Road
Kolkata.

3. General Manager
Vehicle Factory
Jabalpur.

Respondents

(By advocate Shri Om Namdeo on behalf of
Shri K.N.Pethia)

O R D E R (Oral)

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks to quash Annexure A-8 order dated 6.8.03 and a direction to the respondents to consider him for compassionate appointment.

2. The Brief facts of the case are that the father of the applicant late N.K.Tiwari who was employed as chargeman Grade II in Vehicle Factory, Jabalpur, died in harness on 13.7.1994, leaving behind his widow, two sons and two daughters. The widow of the deceased employee received Rs.1,00,000/- out of terminal benefits. Smt. Anupama Tiwari, the widow, submitted an application on 1.4.95 and another one on 20.3.96 (Annexure A3) requesting for



giving appointment on compassionate grounds to the applicant, so that the family could make both ends meet. But the said request was turned down by the respondents vide order dated 19.2.99 (Annexure A4) on the ground that the applicant was not major. The mother of the applicant again submitted applications on 10.6.99 and 10.4.2000 respectively. However, no action has been taken thereon. On 11.8.2001, the applicant attained the age of 18 years and thereafter the mother of the applicant again submitted various applications and the last application was submitted on 27.6.2003 (Annexure A7). This application was also rejected by order dated 6.8.2003 which is impugned in this OA (Annexure A8).

3. Learned counsel of the applicant argued that the case of the applicant has not been considered by the respondents three times while it is mandatory to do so according to the policy of the Govt. of India, Ministry of Defence. He also argued that the financial situation of the family is pitiable.

4. Heard the learned counsel for the respondents Shri Om Namdeo on behalf of Shri K.N.Pethia.

5. After hearing the learned counsel for the parties, I am of the opinion that the case of the applicant has not been considered for three times as per the policy of the Government of India, Ministry of Defence. The respondents are directed to consider the case of the applicant for compassionate appointment for a third time also in accordance with the policy of the Govt. of India,

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Ministry of Defence, for which the applicant shall submit a fresh representation within one month from today giving full details along with relevant documents relating to educational qualification and experience etc and if he complies with this, the respondents shall consider his case within 3 months from the date of receipt of such fresh representation, in accordance with with the aforesaid policy.



(Madan Mohan)
Judicial Member

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

प्रतिनिधि अपो शिरा:-

(1) श. रमेश बाबू शर्मा, जबलपुर

(2) श. रमेश बाबू शर्मा के काउसल R. Shrivastava

(3) श. रमेश बाबू शर्मा के काउसल Om Nand

(4) श. रमेश बाबू शर्मा के काउसल

सूचना एवं आवश्यक कार्यालयी जु



अधिकारी

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