

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.305/04

Jabalpur, this the 1st day of October 2004.

CORAM

Hon'ble Mr.Madan Mohan, Judicial Member

Nitin Kumar Goteker
S/o Late Yashwant Rao Goteker
R/o H-Type, Qr.No.4/11
Khamaria Estate, Khamaria
Jabalpur.

Applicant

(By advocate Shri Sandeep Dubey)

Versus

1. Union of India
Ministry of Defence
through its Secretary
New Delhi.
2. Ordnance Factory
through its General Manager
Khamaria, Jabalpur.
3. The Assistant Labour Welfare Commissioner
(Central), Ordnance Factory, Khamaria
Jabalpur.

Respondents

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

O R D E R

By Madan Mohan, Judicial Member

In this application, the applicant has prayed for a direction to the respondents to consider him for employment assistance on compassionate ground.

2. The brief facts of the case are that the applicant's father Shri Yashwant Rao Goteker, who was working on the post of Mechanist, Higher Skilled Grade-II, died in harness on 8.10.2000. The mother of the applicant moved an application dated 6.10.2000 for compassionate appointment of her son, the applicant herein. The said application was rejected by the respondents on the ground that the applicant was a minor at that time. The applicant's mother again made a representation dated 14.3.2001, stating that her son would be completing 18 years of age on 24.9.2001 and therefore the matter may be considered. The request was again rejected by order dated 13.12.02 (Annexure A1) on the ground that



the family was paid the post death benefits amounting to Rs.1,72,274 and was also being paid Rs.2000/- per month as pension. Thereupon the applicant's mother submitted another representation dated 22.1.03 which is pending before respondent No.2. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that at the time of death of the applicant's father, the applicant was a minor. The applicant's mother moved an application for appointment on compassionate ground of her son, but that was rejected vide order dated 24.1.2001 (Annexure A9) on the ground that her son was a minor. Her subsequent application was also rejected by order dated 13.12.02 (Annexure A1) without mentioning any cogent reason, while the family of the deceased consisted of 5 members and an amount of Rs.2000 per month as family pension was not sufficient to maintain the family and further argued that the case of the applicant has not been considered by the respondents three times in accordance with the policy of the Govt. of India, Ministry of Defence.

4. In reply, learned counsel for the respondents argued that the case of the applicant was duly considered for appointment on compassionate grounds. The applicant scored 69 marks (Annexure R3). The request of the applicant was turned down due to under age and the decision so arrived at by the competent authority was communicated to the mother of the applicant by a reasoned and speaking order which is challenged in this petition.



The counsel further argued that the family of the deceased employee had received a lumpsum good amount as terminal benefits i.e. DCRG Rs.1,26,900, CGEGIS Rs. 43,374, GPF Rs.13,144 and leave encashment Rs.6955 and apart from the above amount, the family is also getting family pension plus DA. Therefore, the family is not in a financial crisis. Hence the OA deserves to be dismissed.

5. After hearing the learned counsel for the parties and careful perusal of the records, I find that the respondents have considered the case of the applicant two times by passing two orders. The first order was passed on 24.1.2001 (Annexure A9). At that time, the applicant was a minor. The second order was passed on 13.12.02 (Annexure A1). As per the policy of the Govt. of India, Ministry of Defence, the matter of providing appointment on compassionate grounds shall be considered by the respondents three times consecutively. Admittedly, the respondents have considered the case of the applicant two times only and it is their legal duty to consider the case of the applicant the third time also.

6. In view of the above position, the respondents are directed to consider the case of the applicant for appointment on compassionage ground third time also by considering the representation submitted by the mother of the applicant dated 22.1.03 which is said to be pending before respondent No.2. The aforesaid representation be decided within a period of three months by passing a detailed and speaking reasoned order from the date of receipt of a copy of this order. No order as to costs.


(Madan Mohan)
Judicial Member