

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 315 of 2004

Jabalpur, this the 16<sup>th</sup> day of October, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

Chaman Lal Dumar aged about 29 years  
S/o Late Mr. Jhumak Lal Unemployed r/o  
Polypathar Bagada Dafai Gwarighat  
Jabalpur.

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India through the Secretary  
Ministry of Defence New Delhi.
2. The General Manager, Ordnance  
Factory Khamaria Jabalpur
3. The Deputy General Manager  
(Incharge Officer)/Admn. Jabalpur

RESPONDENTS

(By Advocate - Shri K.N. Pethia)

O R D E R

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

" 8.1 ..... to command the respondents to give  
compassionate appointment to the petitioner on account of  
death for the father deceased's Govt. Servant.

8.2 ..... to quash the order of rejection of  
representation dated 9.3.04."

2. The brief facts of the case are that the father of the  
applicant was working as Examiner highly skilled-II in the  
respondents department. He suffered from cancer and died on  
25.11.2001. For his treatment a sum of Rs.1,20,000/- was taken  
as loan from friends and relatives. The deceased Government  
servant left behind him, his widow, two sons and one daughter  
who was married long back. The applicant's mother submitted  
an application for giving appointment on compassionate  
ground on 13.12.01 to the elder son Basant Kumar. Shri  
also  
Basant Kumar made an application for compassionate appointment  
again on 15.1.2002. Certain documents which were required  
to be submitted by the respondents were later submitted to  
them. But it was informed that Basant Kumar is over aged and  
the application for compassionate appointment be made by



somebody younger to him by 5 years. Thus the applicant made an application on 24.4.2002(Annexure-A-6). The respondent no.3 wherein issued an order dated 7.9.2002 it was informed that the applicant's family is getting Rs.2550/- as pension and has got lump-sum amount of Rs.3,15,489/- as retiral benefits. Therefore, it is not possible to give compassionate appointment to the applicant. This ground is not legal. The mother and the other family members agreed to give compassionate appointment to the applicant. The applicant made an application again for compassionate appointment and reminders were also submitted but the respondents have adopted wrong attitude in the matter of consideration for compassionate appointment and had unnecessarily delayed the matter. Earlier the representations were rejected on the grounds that there is neither any minor nor unmarried daughter, that both the sons are grown up and can earn for their livelihood, that the wife of the deceased is getting Rs.2550/- as family pension and a lump-sum amount of Rs. 315489/- has been given as retiral benefits. Aggrieved by this, the applicant has filed this OA.

3. None for the applicant. I dispose of this OA by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents and perused the records carefully.

4. It is argued on behalf of the respondents that they have granted sufficient amount as retiral benefits to the family of the deceased Govt. servant i.e. a sum of Rs. 315489/- and the wife of the deceased Govt. servant is getting Rs.2550/- as family pension. Hence, the family of the deceased Govt. servant is not facing any financial crises. He further argued that in compliance with the direction passed in OA No.619/03 filed by the applicant, the respondents the have passed impugned order which is in accordance with the rules. The respondents have not committed any illegality or irregularity while passing the impugned order.

5. After hearing the learned counsel for the respondents and carefully perusing the records and pleadings I find

that the respondents have not considered the case of the applicant for compassionate appointment by 3 consecutive boards as per policy laid down by the Ministry of Defence vide Govt. India/letter No.10/9(4)/824-99/ 1998-D(Lab), dated 9.3.2001 and by the Army Headquarters letter dated 30-7-1999.

5. In view of the aforesaid the order dated 9.3.2004 is quashed and set aside and the respondents are directed to reconsider the case of the applicant in accordance with the policy of the Army Headquarters and Ministry of Defence, referred to above within a period of 3 months from the date of receipt of a copy of this order. Accordingly, the OA stands disposed of. No costs.

(Madan Mohan)  
Judicial Member

"skm" पृष्ठोंकर्न सं ओ/ज्ञा. जवलपुर, दि. चलिकियि अन्योनितः—  
 (1) साहिव, उन्ना व्यापारी विवाही रिपोर्ट, जवलपुर  
 (2) आवंदक वी/विवाही विवाही रिपोर्ट, जवलपुर  
 (3) व्यापारी विवाही विवाही रिपोर्ट, जवलपुर  
 (4) व्यापारी विवाही विवाही रिपोर्ट, जवलपुर  
 सूचना एवं आवश्यक कार्यवाही हेतु *SKM*  
*अपा शर्जिस्ट्राई*

25/10/09  
Signed  
By