

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 315 of 2004

Jabalpur, this the 18<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, Ordinance  
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 Basant Kumar also made an application for compassionate appointment again on 15.1.2002. Certain documents which were required to be submitted by the respondents which 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 ~~is~~ 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 <sup>is</sup> earn for their livelihood, that the wife of the deceased <sup>a</sup> ~~is~~ getting Rs.2550/- as family pension and <sup>a</sup> ~~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 <sup>the</sup> ~~and~~ 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 have passed <sup>the</sup> ~~an~~ 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

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

पृष्ठकन सं ओ/या ..... जबलपुर, दि.....

पल्लिविधि अन्ये विधयः—

- (1) सचिव, मुख्य न्यायाधीश कार्यालय, जयपुर
- (2) आवेदन क्र. 10/2019

(2) आवेदन सं. ११७७/१९८०, जयलपुर

(3)                     

(4) जन्म तिथि: १५/०५/१९७३

सचिवालय

... के आवश्यक कार्यवाही हेतु

उप बजिस्टार

V. Turenne

1. 2. 3.

Issued  
On 20.10.04  
BS