

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No. 327 of 2004

Jabalpur, this the 23rd day of December, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

Ghanshyam Kachhi, S/o. late
Ram Singh, resident of Tilak Ward,
Gopal Ganj, Malliya Gate, Sagar.

Applicant.

(By Advocate – None)

Versus

1. Union of India, through
Secretary, Ministry of Defence, South Block,
E-in-C8s Branch, AHQ, New Delhi.
2. Chief Engineer, Central
Command, Lucknow.
3. HQRS. Chief Engineer, Bhagat Marg,
Jabalpur Cantt. Jabalpur.

Respondents.

(By Advocate – Shri K.N. Pethia)

ORDER

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

“i) to quash the order as mentioned in Para 3 (Annexure A/I) and direct the respondents to review the entire case minutely and take into consideration the liabilities left behind by late Ram Singh,

ii) to direct the respondents to consider the case for compassionate appointment at the earliest so that the family of the deceased may get rid of the sufferings as early as possible.”

2. The brief facts of the case are that the father of the applicant late Shri Ram Singh was serving with the respondents and died during service on 21.1.1995 leaving behind him his widow, three sons and two daughters. At the time of death of the deceased Government



servant the sisters of the applicant were unmarried. The applicant was having responsibility to marry his sisters and to educate his minor brothers after the death of the deceased Government servant. He was also required to pay the loan amount which was taken for treatment of his mother Smt. Parwati Bai. The retiral dues given the applicant's family were not sufficient to maintain the family. The applicant belongs to backward caste. The applicant submitted applications for compassionate appointment various times but by the impugned order dated 29th July, 2002 the respondents have rejected the claim of the applicant. Hence, this Original Application is filed.

3. None is present for the applicant. I dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. The learned counsel for the respondents argued that the case of the applicant was considered on merit but he was not found fit to be considered for compassionate appointment. In this regard he has drawn my attention towards Annexure R-3 and Annexure R-4. He further argued that the case of the applicant was considered as per the guidelines and instructions issued from time to time by the respondents. The compassionate appointment is not granted as a matter of right and in exceptional cases it can be considered if the family of the deceased employee is in distress and in immediate assistance for its survival. Sufficient retiral dues were given to the family of the applicant and the family is also receiving family pension. Hence, this Original Application is liable to be dismissed.

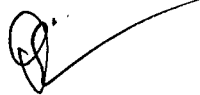
5. After hearing the learned counsel for the respondents and on careful perusal of the pleadings and records, I find that the respondents have not considered the case of the applicant in accordance with the policy of the Government of India, Ministry of



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Defence and Army Headquarters. The learned counsel for the respondents could not show the fact that the case of the applicant has been considered by three consecutive boards. He could only show us the impugned order dated 29th July, 2002 (Annexure A-2) and it seems that the case of the applicant has been considered by the respondents once only. Secondly, the deceased employee i.e. the father of the applicant died in the year 1995. Hence, the case of the applicant should have been considered by the respondents under the old policy dated 30th June, 1987. Accordingly, the respondents are directed to consider the case of the applicant according to the policies of the Government of India, Ministry of Defence and Army Headquarters and also according to the old policy dated 30th June, 1987, within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, this Original Application stands disposed of. No costs.



(Madan Mohan)
Judicial Member

“SA”

पूरांकन सं ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि अन्ते पितः—
(1) सचिव, उच्च न्यायालय जय प्रवेशिका, जबलपुर
(2) अध्यक्ष श्री/श्रीमती/श्री.....के वाउंसल
(3) प्रत्यक्षी श्री/श्रीमती/श्री.....के वाउंसल
(4) अध्यक्ष, कोषागार, जबलपुर न्यायाधीश
सूचना एवं आपरेशन कार्यालयी हेतु उप सजिस्टार

1-A Dasgupta BDR Ramadur
OBR
H. S. Patil BDR

Issued
On 23.12.04
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