

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 354 of 2004

Jabalpur, this the 1st day of September, 2004

Hon'ble Shri Madan Mohan, Judicial Member

Gulab Singh Chhatriya, S/o. late  
Komal Singh, aged about 24 years,  
R/o House No. 1416/1, Nai Basti  
Katiyaghat Road, Post - Temerbhita,  
Jabalpur (MP).

... Applicant

(By Advocate - Shri V. Tripathi on behalf of Shri S. Paul)

V e r s u s

1. Union of India, through it's  
Secretary, Ministry of Defence,  
New Delhi.
2. The Director General Quality Assurance,  
Directorate of General Quality Assurance  
(DGQA), Department of Defence Production,  
DHQ PO, New Delhi - 11.
3. The Controller, Controller of Quality  
Assurance (OFV), Vehicle Factory PO,  
Jabalpur. ... Respondents

(By Advocate - Shri Gopi Chourasia on behalf of Shri S.A.  
Dhamadhikari)

O R D E R (Oral)

By filing this Original Application the applicant has  
claimed the following main reliefs :

"(ii) set aside the order dated 23.1.2004 Annexure  
A-1.

(iii) direct the respondents to appoint the  
applicant on a suitable post on compassionate ground."


2. The brief facts of the case are that the father of  
the applicant late Shri Komal Singh was working as a  
Civilian Motor Driver Grade-I (P&T) in the respondents  
Department. He died in harness on 28.2.2000. He left behind  
him his son i.e. the applicant and one unmarried daughter.  
The mother and father of the applicant were living  
separately because they had obtained the decree of divorce



from the competent court on 8.9.1999. The applicant and his sister were living with their late father Shri Komal Singh. After death of his father on 28.2.2000, the applicant received DCRG of Rs. 79,167/- as retiral dues and is receiving Rs. 2,437/- plus DA as monthly pension. The applicant has applied for compassionate appointment but it was rejected by the respondents on 27.12.2001 due to non-availability of the vacancy. The applicant further submitted an application to provide him compassionate appointment to the competent authority on 16.7.2002 but the respondents vide order dated rejected the claim of the applicant on the basis of extraneous considerations. The case of the applicant was not considered for three times, hence this Original Application is filed.


3. Heard the learned counsel for the parties and perused the records carefully.

4. It is argued on behalf of the applicant that the respondents have not given the details about the applicant as to when his case was considered and on what date and it was also not mentioned that how many marks were allotted to him and how many candidates were selected by the respondents on compassionate ground. The impugned order Annexure A-1 is not at all a speaking order. The applicant's sister is still unmarried and he has to marry her. He further relied on the order passed by the Ernakulam Bench of the Tribunal in the case of S. Manoj Kumar Vs. The Union of India & Ors., 2004(2) ATJ 437, in which it is held that "terminal benefits and pensionary benefits received by the family cannot be a ground to reject the representation claiming compassionate appointment." Hence, this OA deserves to be allowed.



5. In reply the learned counsel for the respondents argued that the case of the applicant was considered for 4 times by the competent authorities and he was only intimated that his name was low in the merit as compared to the availability of vacancies at that time. It is not necessary to inform each and every fact to the applicant according to any rules. According to the policy of the Government of India, Ministry of Defence dated 9.3.2001 and vide letter dated 30.7.1999 of the Army Headquarters the case of compassionate appointment is to be considered by three consecutive Boards. In this case the case of the applicant has been considered for four times and the applicant was not found eligible in each consideration. The amount of retiral benefits are already paid and family pension is also being paid to the applicant. The liability of the applicant is very limited as he has only one unmarried sister. Hence, the order passed by the respondents is perfectly legal and in accordance with the rules and policy.

6. After hearing the learned counsel for both the parties and on careful perusal of the record, I find that it is <sup>not</sup> necessary to inform the applicant about each and every fact i.e. on what date his case was considered, who were the persons who were granted appointment on compassionate ground, how many vacancies were available at each time and how many marks he was allotted, because after considering all these factors, the respondents have passed the impugned order and rejected the claim of the applicant as his name was low in the merit as compared to the availability of vacancies at that time. The cases of compassionate appointment is to be considered within the quota of 5% vacancies of direct recruitment vacancies. The



amount of family pension of Rs. 2,437/- plus DA is regularly paid to the applicant as is stated by the applicant in his OA in para 4.4. I also find that the liability of the applicant is very limited as he has only one unmarried sister. The compassionate appointment cannot be claimed as a matter of right.

7. In this view of the matter, I am of the opinion that the applicant has failed to prove his case and this Original Application is liable to be dismissed as having no merits. Accordingly, this Original Application is dismissed. No costs.

(Madan Mchan)  
Judicial Member

"SA"

पूरांकन सं ओ/न्या... जयलपुर, दि...

दरिद्रिपि अचो पितर

(1) रजि. उच्च न्यायालय नगर पुरोहिताशन, जयलपुर

(2) अमेयक श्री/श्रीमती/पु... काउंसल

(3) प्रदयी श्री/श्रीमती/कु... काउंसल

(4) गोरमन, कोषा. जयलपुर न्यायापीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

S. Paul

S A Dharmalika

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BS