

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT GWALIOR

Original Applications No 437 of 2004

Jabalpur, this the 20th day of April, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Pawan Singh Yadav
S/o Late Shri Narendra Singh
Yadav, aged 30 years,
R/o Vinay Nagar, Sector-4
Koteshwar Road, Lashkar,
Gwalior(M.P.)

Applicant

(By Advocate – Shri Raja Sharma on behalf of
Shri  J. Maheshwari)

VERSUS

1. The Accountant General of
Madhya Pradesh, Through :
its Accountant General
Govt. of M.P. Moti Mahal
Gwalior.
2. The Accounts Officer
Administration-12
Moti Mahal, Gwalior.

Respondents.

(By Advocate – Shri M.Rao)

ORDER

By Madan Mohan, Judicial Member –

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

- "i) The orders rejecting the claim of compassionate appointment of the applicant Annexure A-5 & A-6 be ordered to be quashed.
- ii) The respondents be directed to grant the compassionate appointment to the applicant in place of the deceased late Shri Narendra Singh Yadav."



2. The brief facts of the case are that father of the applicant late Shri Narendra Singh Yadav was working as Sr. Auditor under the respondents No.1 and 2. He died on 10.2.99 leaving behind him his widow, three sons and one daughter. All of them are unemployed. The applicant has passed 12th examination in the year 1996 and he belongs to OBC category. He applied for compassionate appointment to the respondents. A call letter was issued to him and he also appeared before the interview committee on 24.9.2000. Vide letter dated 19.6.2002 it was intimated to the applicant that the selection committee has not made any recommendation in his favour. Thereafter the applicant has submitted another representation, but it was rejected vide order dated 28.3.2003(Annexure – A-6) on the ground that number of candidates are more in ratio to the available post while the case of the applicant was on better footing. Hence, this OA.

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

4. The learned counsel for the applicant argued that after death of father of the applicant, he moved the application for compassionate appointment. He is duly qualified and he passed the intermediate examination and he belongs to OBC category. He further argued that the source of income is only the monthly pension which is being paid to the mother of the applicant and it is not sufficient to maintain his family. The family of the applicant is facing acute financial crises. The application of the applicant was rejected only on the ground that more deserving candidates were available while the case of the applicant was on better footing than the selected candidates. He also argued that the respondents have not mentioned any cogent reason while rejecting the application of the applicant for compassionate appointment. The impugned orders are not speaking orders and



having no reason. Hence the impugned orders are liable to be quashed.

5. In reply, the learned counsel for the respondents argued that primarily the economic status of the deceased Government servant's family is taken into consideration followed by the merit of the candidate subject to ceiling of 5% vacancies falling under direct recruitment quota in Group 'C' and 'D' posts. The selection is made on the principle of means-cum-merit. In the instant case father of the applicant died on 10.2.99 and the application for compassionate appointment submitted on 22.2.99. The Departmental Selection Committee constituted for considering 36 cases(including the case of the applicant) of compassionate appointment considered these cases during the period 25-27 September 2001. The number of vacancies were available four in Group 'C' and one in group 'D'. Candidates who were under tremendous financial constraints and also condition of whose families was more indigent in comparison to the petitioner were recommended by the Departmental Selection Committee and offered employment. Hence, the impugned orders passed by the respondents in accordance with the rules.

6. After hearing the learned counsel for the parties and on careful perusal of the records, we find that the impugned order dated 19.6.2002 is apparently a non-speaking order in which the respondents have only mentioned that the selection committed has not recommended the case of the applicant. Hence, the compassionate appointment cannot be given to the applicant and on the second representation of the applicant, the respondents have rejected the claim of the applicant by passing the impugned order dated 28.3.2003(Annexure-A-6). In this order no cogent reasons are mentioned and this is a non-speaking order. The respondents have not given details of the marks allotted to the applicant and other candidates and simply said that more deserving candidates were



available at the time of selection. It is not sustainable in the eyes of law. Hence, both the impugned orders dated 19.6.2002 and 28.3.2003 are quashed and set aside. The respondents are directed to re-consider the case of the applicant for compassionate appointment within a period of three months from the date of receipt of a copy of this order by passing a detailed and reasoned order.

7. With the above direction the OA is disposed of. No costs.

(Madan Mohan)
Judicial Member

M.P. Singh
Vice Chairman

Skm

Issued
On 11-05-05
B9

प्रांतिक राज्य संघ विधान सभा, जगलपुर, झि.....
प्रांतिक राज्य संघ विधान सभा, जगलपुर
(1) राजित, राज्य संघ विधान सभा, जगलपुर
(2) वारेक विधायक, जगलपुर
(3) प्रत्यार्थी विधायक, जगलपुर
(4) विधायक, देवता, जगलपुर विधायकीय
सूचना एवं आवश्यक कार्यवाही हेतु
काउंसल
J. Maheshwari: D2V
M. Rao: D2V
T. W. L

मेरि रजिस्ट्रर