

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR**

Original Application No. 467 of 2004

Indote this the 18th day of October **2005**

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

Purushottam, S/o. late Shri Ramnarayan,
Aged 23 years, Unemployed, resident of
House No. 2, Banshipura, Norar,
District Gwalior MP. Applicant

(By Advocate – Shri R.R. Sharma)

Versus

1. Union of India, through its Secretary,
Ministry of Defence, New Delhi-11.
2. HA CWE, Bhopal, MP.
3. Garrison Engineer, Gwalior P.O.,
Morar, Gwalior – 474006. Respondents

(By Advocate – None)

ORDER

By Madan Mohan, Judicial Member –

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

“(A) to allow this application and further be pleased to quash the order dated 12.3.2004 Annexure A-1,

(B) the respondents authorities may be directed to give him compassionate appointment on the suitable post as the case of the applicant is pending since long.”

2. The brief facts of the case are that the father of the applicant late Shri Ramnarayan was holding a post of V/Man in the office of the respondents. He expired during service on 13.9.2000. The mother of the



applicant also expired on 24.10.2000. The applicant applied for appointment for a class-IV on 7.11.2002. It was rejected illegally vide order dated 21.11.2002 (Annexure A-2). Against the said rejection order he filed an OA No. 230/2003. The Tribunal directed the respondents to decide and re-examine the case of the applicant in accordance with rules (Annexure A-3). The applicant submitted another application for compassionate appointment alongwith the relevant documents. But the respondents did not consider it and kept pending for long time. They finally rejected the claim of the applicant vide order Annexure A-1 dated 12.3.2004. The applicant is unemployed and unmarried. There was no delay in moving the application for compassionate ground after the death of the father of the applicant. It was moved within two months. Hence, he has filed this Original Application.

3. None is present for the respondents. Since it is an old case of 2004, we proceed to dispose of this Original Application by invoking the provisions of Rule 16 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the applicant and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that the applicant had applied within two months for compassionate appointment i.e. on 7.11.2000 after the death of his father on 13.9.2000. The respondents did not consider it. The applicant also submitted the relevant documents as required by the respondent No. 3 on 10.11.2003 (Annexure A-5). The applicant had also filed an Original Application No. 230/2003 which was decided by the Tribunal vide order dated 29.10.2003 directing the respondents to consider the representation of the applicant but the respondents did not consider it in proper way and they again rejected it by the impugned order dated 12th March, 2004 (Annexure A-1).


5. We have perused the contentions of the respondents mentioned in their return and in which it is mentioned that the deceased employee Ramnarayan left behind him three major sons and one married daughter.



The heirs of the deceased received Rs. 1,49,670/- as terminal benefits and family pension of Rs. 1,860/- per month is also being paid. The application of the applicant was duly considered by the respondents as per the guidelines and instructions issued by the Engineer in Chief. Only 5% of vacancies to be filled up by direct recruitment can be released for appointment on compassionate ground as per the instructions of the DOP&T dated 26th September, 1995. As there was no vacancy available, the applicant could not be offered compassionate appointment and hence the respondents expressed their inability to offer appointment and rightly rejected the claim of the applicant. The applicant also secured only 51 marks for various attributes as per guidelines issued on the subject and further more deserving cases were also available. Hence, the impugned order is perfectly legal and justified.

6. After hearing the learned counsel for the applicant and on perusal of the records and pleadings, we find that the case of the applicant was considered by the respondents. The claim of the applicant was rejected on the grounds of his low merit by securing only 51 marks on various attributes as per the guidelines issued on the subject, more deserving candidates were available in comparison to the applicant and due to non-availability of vacancies within 5% quota under direct recruitment quota for employment on compassionate ground. In view of the aforesaid grounds the respondents expressed their inability and rejected the application for compassionate appointment of the applicant by passing the impugned order dated 12.3.2004 (Annexure A-1). Apart from it the respondents have paid Rs. 1,49,670/- as terminal benefits and family pension of Rs. 1,860/- is also regularly and monthly being paid.

7. Considering all the facts and circumstances of the case, we are of the considered view that this Original Application is liable to be dismissed as having no merits. Accordingly, the same is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman