

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 484/2004

Gwalior, this the 5<sup>th</sup> day of April, 2005

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

Smt. Kusum Bai, aged 35 years,  
wife of late Ram Singh, Pasi,  
Resident of H.No.51-A, P.R. Colony,  
Bihari, Cantt. Jabalpur.

APPLICANT

(By Advocate - Shri B.R.Nagle)

VERSUS

1. The Union of India, through  
The Secretary, Ministry of  
Defence, Govt. of India, New Delhi.

2. The Commandant,  
506 Army Base Workshop,  
Post Box No.41, Khamariya,  
Jabalpur.

RESPONDENTS

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

O R D E R

By Madan Mohan, Judicial Member -

By filing this original Application, the applicant  
has sought the following main relief :-

" 8.1. To issue an order or direction to the  
respondents for the compassionate appointment of the  
applicant in the Department."


2. The brief facts of the case are that the applicant  
is belonging to SC community and the husband of the  
applicant late Ram Singh Pasi was employed under the  
respondent No.2. He died on 18.11.1999 leaving behind  
his widow, two daughters, one son and his old parents.  
The family of the deceased is facing great hardship.  
According to the applicant, her educational qualification  
is higher secondary(10+2) and as per the Central and State  
Government policy, the applicant is legally entitled for  
compassionate appointment while the respondents have not  
considered the case of the applicant. Hence, this OA.



2. Heard the learned counsel for the parties.

3. The learned counsel for the applicant stated that the husband of the applicant died in the year 1999 and at that time his age was only 43 years. He left behind him, his widow, 3 minor children and old parent. The applicant's qualification is 10+2 examination and the the parent of the deceased Government servant are fully dependent on the applicant. The family of the applicant is facing very serious financial crisis. He has drawn our attention towards (Annexure-A-5) in which the details of the family is mentioned and also drawn our attention towards the order of this Tribunal in OA No.502/02 passed on 10.10.2002 by which the Tribunal had directed to reconsider the case of the applicant for compassionate appointment" In view of the destitute condition of the family which is stated to be not having any other source of income except the small amount of pension." But the respondents have not complied with the aforesaid order of the Tribunal. Hence, the applicant is legally entitled for the relief claimed.

4. In reply, the learned counsel for the respondents argued that the number of vacancies for compassionate appointment are limited to 5% of the total direct recruitment vacancies per year in Group 'C' and Group 'D' only. Compassionate appointment is not a vested right. The learned counsel for the respondents has also argued that the case of the applicant was duly considered by the Board of officers at the Army Headquarters in four consecutive boards held in March 2001, June 2001, Sept. 2001 and Dec. 2001 but her case did not come up in the relative merit against the 5% quota due to constraints of grossly inadequate vacancies. Therefore, her name was deleted from the name registered at the Army Headquarters for further consideration as



per the Army Headquarters for further consideration as per the policy issued by the Govt. He has further argued that the respondents fully complied with the direction given by the Tribunal in the OA No.502/02 passed on 10.10.2002. According to the Govt. of India and Ministry of Defence, they have considered the case of the applicant four time but her case not found to be fit for compassionate appointment. He has further contended that since more deserving candidates are available for compassionate appointment and as the vacancies for compassionate appointment is very limited the applicant could not get compassionate appointment. Hence, the action of the respondents is fully justified and legal.

5. After hearing the learned counsel for the parties and careful perusal of the records, we find that the respondents have considered the case of the applicant by 4 consecutive boards i.e. on March 2001, June 2001, Sept.2001 and Dec. 2001. According to the policy of Ministry of Defence, the respondents are required to consider the case of the applicant only by 3 consecutive boards while the respondents in this case have considered the case of the applicant one time more. We also find that the vacancies for compassionate appointment are very limited i.e. 5% only and as more deserving candidates are also available and due to shortage of vacancies her name was deleted from the name registered at the Army Headquarters for further consideration as per the policy issued by the Ministry of Defence. After considering all the facts and circumstances of the case, we do not find any merit in this OA. Accordingly, the same is dismissed. No costs.



(Madan Mohan)  
Judicial Member



(M.P. Singh)  
Vice Chairman