

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT INDORE

Original Application No. 548 of 2004

Indore, this the 18th day of August, 2005

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

Jayprakash, S/o. Shri Laxminarayan  
Sharma, age 23 years, Occupation - Nil,  
R/o. 47, Manbhawan Nagar, Kanadia Road,  
Indore (MP), at present R/o. A-8,  
Vaibhav Nagar, Indore (MP).

... Applicant

(By Advocate - Shri Manoj Manav)

V e r s u s

1. Union of India, through  
Accountant General (A&E) - I,  
M.P. Gwalior.

2. State of M.P., through Secretary,  
Public Works Department, Vallabh  
Bhawan, Bhopal, (MP).

3. The Executive Engineer,  
Public Works Department,  
Dhar (MP).

... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

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

"(a) the application be allowed by issuing appropriate  
writ/order or direction and order dated 2.4.2002 (Annex.  
P/6) be quashed and respondents be directed to consider  
the case of the applicant for compassionate appointment."

2. The brief facts of the case are that the father of the  
applicant late Laxminarayan Sharma was working as Accounts  
Officer with the respondent No. 3. He died in harness on  
1.12.2000. After the death of the deceased Government servant  
the applicant has submitted an application dated 24.1.2001 to  
respondent No. 3 for compassionate appointment. The respondent  
No. 3 has forwarded the same to the respondent No. 1 i.e.  
Accountant General, MP Gwalior for appropriate action. The

*[Signature]*

respondent No. 1 has passed the impugned order dated 2.4.2002 (Annexure A-6) rejecting the request of the applicant for compassionate appointment. Hence, this Original Application is filed.

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

4. The learned counsel for the applicant has submitted that the request of the applicant for compassionate appointment has not been considered properly by the respondents keeping in view the indigent condition of the family of the applicant. They have rejected the request of the applicant without passing any reasoned and speaking order. He has drawn our attention towards Annexure A-6 letter dated 2.4.2002.

5. On the other hand the learned counsel for the respondents submitted that the request of the applicant has been considered by the competent authority and the competent authority has not found the case of the applicant as a fit case for appointment on compassionate ground, keeping in view the economic condition of the applicant's family, retiral benefits paid to the family and also that more deserving cases are required to be given compassionate appointment.

6. We have given careful consideration to the rival contentions made on behalf of the parties and we find that the respondent No. 1 has rejected the application of the applicant vide order dated 2.4.2002 (Annexure A-6). We further find that it is by one line order <sup>that</sup> ~~the~~ the request of the applicant has been rejected. No reasons have been assigned by the respondents while rejecting the claim of the applicant. The order of the respondent No. 1 is a non-speaking order.



7. In the circumstances, we quash and set aside the impugned order dated 2.4.2002 (Annexure A-6) and direct the respondents to re-consider the case of the applicant within a period of three months from the date of receipt of a copy of this order, by passing a speaking, detailed and reasoned order, in accordance with rules and law.

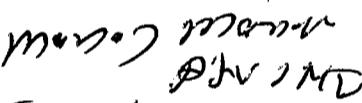
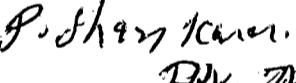
8. Accordingly, the Original Application stands disposed of in the above terms. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

"SA"

पूछांकन सं. ओ/न्या..... जवलपुर, दि.....  
प्रतिलिपि अन्वेषितः—  
(1) संसिध, उच्च न्यायालय के उपर्योगिता, जवलपुर  
(2) आदेदाद श्री/श्रीरामी/न्या..... के प्राप्तिकाल  
(3) प्रस्तरी श्री/श्रीरामी/न्या..... के प्राप्तिकाल  
(4) वंशपाल, कोपाल, जवलपुर प्रस्तरी  
सूचना एवं आवश्यक कार्यालयों के  
उपर्योगिता के प्राप्तिकाल

  
M.P. Singh  
P.D.V. / M.D  
  
P. Shriyakar  
P.D.V. / M.D

  
T. S. Singh  
24-8-05