

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


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.

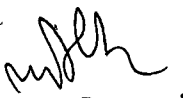
6. We have given careful consideration to the rival contentions made on behalf of the parties and we find that the respondent No. 1 has rejected the application of the applicant vide order dated 2.4.2002 (Annexure A-6). We further find that it is by one line order ^{that} the request of the applicant 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

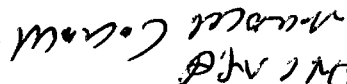
"SA"


प्रांकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय एवं एडवोकेट जनरल, जबलपुर
- (2) आवेदक श्री/श्रीमती/श्री.....के कार्यालय
- (3) प्रत्यक्षी श्री/श्रीमती/श्री.....के कार्यालय
- (4) मंत्रपाल, कोषाग, जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार


Manoj Kumar
P. Sharma
D.V. MD


24-8-05