

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH

OA No. 630/04

~~Bilaspur~~, this the 16<sup>th</sup> day of March, 2005

CORAM

Hon'ble Mr.M.P.Singh, Vice Chairman

Hon'ble Mr.Madan Mohan, Judicial Member

Smt.Manorama Verma  
W/o of Late Shri M.M.Verma  
R/o Near Maharstha High School  
Wright Town  
Jabalpur (M.P.)

Applicant.

(By advocate Shri Yogesh Dhande)

Versus

1. Union of India through  
Its Secretary  
Ministry of Defence  
New Delhi.
2. The Commanding Officer  
Air, Argoments Inspection Wings  
AAIWQA Khamaria  
Jabalpur (M.P.)

Respondents.

(By advocate Shri S.A.Dharmadhikari)

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the apphcant has sought a direction to the respondents to consider the case of the applicant's son for compassionate appointment on priority basis.

2. The brief facts of the case are that the applicant is the widow of Shri M.M.Verma who died in harness on 15.2.99. After the death of her husband, the apphcant moved an application to respondent No.2 for compassionate

appointment of her elder son Manoj Verma on the ground there was no earning member in the family (Annexure A1). No action was taken on the representation. It is alleged in the application that the applicant is 40% handicapped, her son Manish is 45% handicapped and another son Mayank is mentally retarded. Her younger daughter is unmarried. Vide letter dated 19.11.2001 (Annexure A4), the application of the applicant was rejected. Thereafter, the applicant from time to time personally requested the respondents through her son for providing compassionate appointment but to no avail. Hence this OA is filed.

3. Heard the learned counsel for the parties. It is argued on behalf of the applicant that the case of the applicant comes within the most exceptional grounds because the applicant herself is 40% handicapped, her son is 45% handicapped, another son is mentally retarded and her younger daughter is unmarried. The applicant does not possess any moveable or immovable property. The applicant's son Manoj Verma for whom compassionate appointment is sought, is well educated. Despite several requests made in writing and orally, the respondents have not considered the request in true spirit. The learned counsel for the applicant further argued that the respondents have not considered the case of the applicant three times according to rules.

4. In reply, the learned counsel for the respondents argued that appointment on compassionate grounds has been restricted up to 5% of vacancies falling under direct recruitment. In that situation, it was not possible to go beyond the Government policy in considering cases of compassionate appointment. The case of the applicant was considered twice by the competent authority but due to stipulated quota of 5% being already filled up in excess in the organization of the respondents, the competent authority showed their inability to offer appointment and the applicant was informed accordingly.

5. After hearing the learned counsel for the parties and carefully perusing the records, we find that the admittedly respondents have


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considered the case of the applicant for compassionate appointment of her son twice. As per the policy laid down by the Ministry of Defence, Government of India vide letter o.10/9(4)/824-99/1998-D(Lab) dated 9.3.2001 and by the Army Headquarters letter No.93669/Policy/OS-SC(I) dated 30.7.99, the case of compassionate appointment has to be considered by three consecutive Boards while the case of the applicant has been considered only twice. Therefore, the orders passed by the respondents dated 19.11.2001 (Annexure A4) and 1.2.2004 (Annexure A5) are liable to be quashed and set aside.

6. Accordingly the aforesaid orders are quashed and set aside. The respondents are directed to re-consider the case of the applicant in accordance with the policy of the Army Headquarters and the Ministry of Defence within 3 months from the date of receipt of a copy of this order.

7. The OA is disposed of as above. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

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पृष्ठांकन सं ओ/ज्या.....जयलपुर, दि.....  
यसिदिदि धावे दिना:-

- (1) सचिव, जयलपुर, जयलपुर
- (2) आवेदक श्री/श्रीमती, जयलपुर के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती, जयलपुर के काउंसल
- (4) कथपल, कोना, जयलपुर जयलपुर के काउंसल

सूचना एवं आवश्यक कार्यवाही हेतु

  
28/3/05

Yogesh Dhanday  
Doubtful  
S. P. Sharma  
Doubtful

Issued  
On 28.03.05  
BS