

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 653 of 2004

Jabalpur, this the 16th day of November, 2004

Hon'ble Shri Madan Mohan, Judicial Member

1. Lokesh Pathak, S/o. late Shri Dinesh Kumar Pathak, aged about 21 years, R/o. House No. 1027, New Jagdamba Colony, Behind Krishi Upaj Mandi, Cherital, Cherital Ward, Jabalpur (MP).
 2. Smt. Kusum Pathak, W/o. late Shri Dinesh Kumar Pathak, aged about 47 years, R/o. house No. 1027, New Jagdamba Colony, Behind Krishi Upaj Mandi, Cherital Ward, Baldeobag, Jabalpur (MP).
- ... Applicants

(By Advocate - Shri Prashant Singh)

V e r s u s

1. The Union of India, through the Secretary, Ministry of Defence, New Delhi.
 2. The Central Ordnance Depot, through the General Manager, Khamaria, Jabalpur (MP).
 3. The Commandant, Central Ordnance Depot, Khamaria, Jabalpur (MP).
- ... Respondents

(By Advocate - Shri S.A. Dhamadhikari)

O R D E R

By filing this Original Application the applicants have claimed the following main reliefs :

- "(i) to quash the order dtd. 5.7.2004 (Annexure A-1),
- (ii) to direct respondents to forthwith appoint applicant No. 1 against the post of Store Keeper or any other suitable post on compassionate basis."

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2. The brief facts of the case are the father of applicant No.1 Late Dinesh Kumar Pathak who was employed as Senior Store Keeper under the respondents, died in harness on 17.10.2000. The deceased left behind, apart from the applicants, one daughter also. There is no earning member in the family. Applicant No.1 is presently prosecuting his studies of B.A. first year whereas applicant No.2 has studied up to matriculation. Applicant No.2 made an application on 2.11.2000 on behalf of applicant No.1 for employment assistance under compassionate grounds. She was asked to complete certain formalities which were duly complied with. She was intimated that the case of applicant No.1 for compassionate appointment would be placed before the Selection Committee. However, no action has been taken by the respondents so far. The respondents issued impugned order dated 20.3.02 (Annexure A3) intimating that their application dated 13.2.2001 for compassionate appointment was considered by Selection Committee and since more meritorious candidates were available, their request could not be acceded to. However, on 21.5.02 applicant No.1 was called for preliminary test for the post of Store Keeper by the respondents, but again his candidature was rejected. Even after the Tribunal passed an order dated 27.1.04 (Annexure A2) in OA 77/04, the respondents did not place the name of applicant No.1 before the Selection Committee afresh and the respondents mechanically passed the impugned order without screening the case of applicant No.1. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicants that the deceased employee has left behind one unmarried



daughter and applicant No.1 is 21 years old and is duly qualified. Hence he is legally entitled and eligible for compassionate appointment. His mother had applied for compassionate appointment for her son and all formalities required by the respondents were duly completed within the stipulated time. The applicants had to repay Rs.5 lakhs towards loan taken by them from various persons so as to meet the medical expenses incurred in treatment of the deceased employee. The respondents had not complied with the directions given in OA 77/04 and they had passed the impugned order mechanically without considering the facts and contentions of the applicants.

4. In reply, the learned counsel for the respondents argued that the family of the deceased had already received terminal benefits of the deceased employee, amounting to Rs.3,30,106/- as DCRG, GPF balance, CGEIS and Encashment of leave. Apart from that, the family is being paid Rs.2300/- plus relief admissible per month as family pension. He further argued that as per the policy on the subject, requests of compassionate appointment are to be considered by three consecutive boards that too within the ceiling of 5% of vacancies. The case of applicant No.1 was considered thrice along with similarly placed cases strictly as per the laid down policy. The applicant could not secure sufficient marks. Hence his case could not be recommended for compassionate appointment. His case was finally rejected vide order dated 20.3.2002 (Annexure A3). Subsequently, the applicants filed OA No.77/04 challenging the aforesaid order. The said OA was disposed of by the Tribunal with certain directions. In compliance with the directions issued by the Tribunal in that



