

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.**  
**JABALPUR**

**Original Application No. 806 of 2004**

**Jabalpur, this the 16<sup>th</sup> day of February, 2005**

Hon'ble Shri Madan Mohan, Judicial Member

1. Kishan Lal, S/o. late Shri Ram Prasad Chamar,  
aged 26 years,
2. Smt. Laxmi Bai, W/o. late Shri Ram Prasad  
Chamar, aged 49 years, R/o. H. No. 2801,  
Chowdhary Mohalla, Ghamapur,  
Jabalpur (MP). .... Applicants

(By Advocate – Shri S.K. Pathak)

**V e r s u s**

1. Union of India, through Secretary,  
Ministry of Defence, South Block,  
New Delhi.
2. Union of India, through Secretary,  
Ministry of Personnel, Public Grievance  
& Pension, Deptt. of Personnel &  
Training, North Block, New Delhi.
3. Director General of Ordnance Services,  
Army Head Quarter, DHQ PO, New Delhi.
4. The Officer-in-Charge, AOC (Records),  
Trimugherry Post, P.B. No. 3, Secunderabad.
5. The Commandant, COD,  
Jabalpur (MP). .... Respondents

(By Advocate – Shri M. Chourasia)

**O R D E R (Oral)**

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



“8. the applicant prays that he be appointed forthwith & the cost of this OA may also be awarded, to meet the ends of justice.”

2. The brief facts of the case are that the applicant No. 1 is the son and the applicant No. 2 is the widow of late Ram Prasad Chamar who died in harness on 2<sup>nd</sup> March, 2004 while serving under the respondents. After his death the applicants applied for compassionate appointment on 10<sup>th</sup> March, 2003. In reply a letter was issued by the respondents to submit certain requisite informations. The applicants submitted the requisite informations and also submitted an affidavit. There is a provision of awarding marks while considering the case of compassionate appointment in Ministry of Defence. In mid of October, 2003 the respondents sanctioned the pension & gratuity to the applicants. This amount has been received in the first week of November, 2003 through the bank. The remaining amount of the DCRG was paid in the month of January, 2004 (Annexure A-7). The applicants have given the details of the actual marks allotted in paragraph 4.6 of the OA. But the respondents rejected the application of the applicants by giving lesser marks in the 1<sup>st</sup> meeting held in the month of October, 2003, 2<sup>nd</sup> held in the month of December, 2003 and 3<sup>rd</sup> held in the month of March, 2004. The marks allotted to the applicants are contrary to the rules and recruitment process. Hence, this Original Application is filed.

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

4. It is argued on behalf of the applicant that in paragraph 3 of the return the respondents have mentioned about the meetings held in the month of October, 2003, December, 2003 and March, 2004. It is apparently wrong in view of the letter dated 3<sup>rd</sup> November, 2004 which is filed today by the applicants. The same is taken on record. He further argued that the whole amount of family pension and DCRG was sanctioned by the letter dated 1<sup>st</sup> October, 2003 (Annexure A-6) but it was

not paid to the family of the deceased Government servant while according to Annexure A-8 the first order was passed by the respondents rejecting the claim of the applicants on 25.11.2003. The applicants should have been awarded marks for family pension-20, terminal benefits-10 and monthly income-5, while the respondents have awarded only 12, 3 and 4 marks respectively. He has further drawn my attention to the return in which the respondents have themselves admitted that "claim of more marks against family pension and terminal benefits in the plea of delayed payment is not tenable". Hence, the case of the applicants was not duly considered by the respondents by three consecutive boards and if it would have been considered according to the rules, facts and contentions of the applicants, then the applicants were legally entitled for the relief claimed.

5. In reply the learned counsel for the respondents argued that the case of the applicant has been considered by three consecutive Boards though the months are wrongly typed in the paragraph 3 of the return. Actually the orders are passed in Annexure A-8 dated 25.11.2003 for first time, second time on 3<sup>rd</sup> February, 2004 (Annexure A-9) and thirdly on 17<sup>th</sup> May, 2004 (Annexure A-10). The respondents have considered the case of the applicants three times according to the policies of the Government of India, Ministry of Defence. He has also drawn my attention towards Annexure R-1 paragraph 3-A(v) in which it is mentioned that if the amount of pension is below Rs. 2100/- then the maximum marks given are 12. The amount of family pension received by the applicants' family is Rs. 1938/- and hence, the respondents have awarded 12 marks according to Annexure R-1. He further argued that the amount of family pension and DCRG was provisionally sanctioned vide order dated 15<sup>th</sup> April, 2003 (Annexure R-2) and it was sanctioned finally vide order dated 1<sup>st</sup> October, 2003. Though this amount is credited in the account of the applicants in the month of November 2003 i.e. after the meeting of the first board but it was duly sanctioned to the applicants earlier i.e. before the first meeting of the Board. Hence, the applicants cannot take the

benefit of it. The action of the respondents is perfectly legal and justified. Thus, the OA is liable to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, I find that the dates mentioned in the return by the respondents regarding the meetings of the Board are incorrect. The correct dates are mentioned by the applicants themselves in their return which I have perused and is at Annexure A-8 dated 25<sup>th</sup> November, 2003, Annexure A-9 3<sup>rd</sup> February, 2004 and Annexure A-10 dated 17<sup>th</sup> May, 2004. All these orders show that the respondents have considered the case of the applicant for three times according to the policies of the Government of India, Ministry of Defence. As the amount of family pension was less than Rs. 2100/-, the respondents have rightly awarded the maximum marks to the applicants as 12 according to the paragraph 3-A(v) of Annexure R-1. Though the amount of family pension and DCRG was not actually paid to the applicants before the first Board was held for consideration of the applicants' case, but it was duly sanctioned before the first meeting, on 1<sup>st</sup> October, 2003 (Annexure A-6).

7. After considering the facts and circumstances of the case, I am of the opinion that the applicants have failed to prove their case and this Original Application is liable to be dismissed as having no merits. Accordingly, the Original Application is dismissed. No costs.

(Madan Mohan)  
Judicial Member

“SA” भूखंडकन सं ओ/ज्या.....जबलपुर, दि.....

प तिलिचि अणे धितः—

- (1) सचिव, उच्च न्यायालय दर एमोमिशन, जबलपुर
- (2) अध्यक्ष श्री/श्रीमती/शु.....के प्कारंसल
- (3) प्रत्यक्षी श्री/श्रीमती/शु.....के कउंसल
- (4) कंसपाल, कोषाअ, जबलपुर न्यायपीठ सूचना एवं आवश्यक कार्यवाही हेतु

S.K. Pathak AV-133

M. Choudhary AV-133

Issued  
on 18.2.05  
BS