

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

**Original Application No. 813 of 2004**

Jabalpur, this the 11<sup>th</sup> day of April, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Smt. Parvati Vishwakarma, aged about  
39 years, W/o. Suresh Kumar Vishwakarma,  
R/o. 1506, Kanchanpur, Anand Bhavan,  
Bhatta Road Adhartal, Jabalpur (MP). .... Applicant

(By Advocate – Shri Mukhtar Ahmed)

**Versus**

1. Union of India, through  
Ministry of Defence, (Production),  
South Block, New Delhi.
2. Garrison Engineer, (East),  
Jabalpur (MP).
3. Engineer-in-Chief, Central Command,  
Military Engineering Service,  
Lakhnow (UP). .... Respondents

(By Advocate – Shri A.P. Khare)

**ORDER**

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

“(i) to issue appropriate writ direction order commanding the respondents to give compassionate appointment to the applicant on a suitable post.”


2. The brief facts of the case are that the husband of the applicant Suresh Kumar Vishwakarma was in the service of the respondents on the post of Chowkidar. He served with the respondents for about 15 years and on his suffering from the disease of Schizophrenia he was referred to the medical board vide order dated 28<sup>th</sup> December, 1998. The medical board



examined him and he was declared unfit for every service. Thereafter the respondents passed the order of termination from service vide order dated 27<sup>th</sup> February, 1999 (Annexure A-3). After termination of the services of the husband of the applicant, she was paid only Rs. 24,702/-. Thereafter the applicant applied for compassionate appointment and also submitted the required documents as required by the respondents, in due time. The applicant does not possess any movable or immovable property and family pension sanctioned at the time of termination of the services of the husband of the applicant is only Rs. 1,275/- per month. She is unable to maintain the family of three children by this meager amount. In compliance with the communication dated 3.12.2001 of the respondents, she remained present with all documents in the office of the respondents on 18<sup>th</sup> December, 2001. Thereafter, the respondents have not intimated to the applicant about further progress in the matter. Hence, this Original Application is filed.

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

4. It is argued on behalf of the applicant that the husband of the applicant was declared medically unfit by the medical board vide Annexure A-2 and consequent to this medical unfitness the respondents terminated the services of the applicant's husband vide order dated 27<sup>th</sup> February, 1999. She applied for compassionate appointment and she has also complied with all the directions and communications issued by the respondents and furnished all the relevant documents within the due time. The applicant does not possess any movable or immovable property and she is unable to maintain her family. At the time when the applicant was terminated from service she was paid only Rs. 24,702/- and family pension of Rs. 1275/- per month is being paid to her. The respondents have not considered the due claim of the applicant for compassionate appointment, without any justifiable ground. The applicant is facing acute



financial crises and hardship. Hence, this Original Application deserves to be allowed.

5. In reply the learned counsel for the respondents argued that after the husband of the applicant was medically boarded out she was paid a sum of Rs. 24702/- as retiral benefits and presently she is getting Rs. 1275/- as monthly pension plus dearness pay @ 50% plus dearness allowances @ 14% per month. When the applicant's husband was medically boarded, the applicant applied for employment assistance on compassionate ground in the department for Mazdoor or its equivalent post. The case of the applicant was duly considered but she is not entitled at all for the reliefs claimed by her and this Original Application deserves to be dismissed. They further argued that the Hon'ble Supreme Court has held in 1997 SCC (L&S) 711, State of Haryana and others Vs. Suraj Bhan, that "Compassionate appointment – Entitlement to – Driver of Haryana State retired on being declared unfit to drive heavy vehicles – Held, not entitled to appointment of his son on compassionate grounds – Request to allow his son, appointed on compassionate grounds due to the impugned direction of the High Court to remain in service, rejected – However, the time spent in the service directed to be considered for granting relaxation of age limit in case his son applied for any appointment pursuant to an advertisement – Physical incapacity – Relief". Hence, this Original Application deserves to be dismissed.

6. After hearing the learned counsel for the parties, I find that the Hon'ble Supreme in the case of Suraj Bhan (supra) has held that Compassionate appointment – Entitlement to – Driver of Haryana State retired on being declared unfit to drive heavy vehicles – Held, not entitled to appointment of his son on compassionate grounds – Request to allow his son, appointed on compassionate grounds due to the impugned direction of the High Court to remain in service, rejected. I has also perused the Persons with Disabilities (Equal Opportunities, Etc.) Act,



7. Accordingly, I am of the considered opinion that the applicant has failed to prove her case and this Original Application deserves to be dismissed as having no merits. Thus, the Original Application is dismissed. No costs.

**"SA"**

पृष्ठांकन सं ओ/न्या.....जलपुर, दि.....

पतिलिपि अत्रे पित्तः—

- (1) सचिव, उत्तर गंगा नदी नगर प्रशासनिक विभाग, जबलपुर  
(2) आवेदक श्री/श्रीमती/श्रीमान/श्रीमती के काउंसल MUKHTAR AHMED  
(3) प्रत्यर्पी श्री/श्रीमती/श्रीमान/श्रीमती के काउंसल DR. P. KHORRAN  
(4) वरिष्ठ, के.प्र.स. न.प्र.स. के काउंसल DR. P. KHORRAN  
सूचना एवं आवश्यक कार्यवाही हेतु  
उप रजिस्ट्रार 12-4-88

for उप रजिस्ट्रार

12-4-8

Falsch  
am  
12-04-05