

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

**Original Application No. 873 of 2004**

**Jabalpur, this the 15<sup>th</sup> day of February, 2005**

Hon'ble Shri Madan Mohan, Judicial Member

Shri Somdatt, S/o. late Shri Prabhu  
Dayal Prajapati, aged about 27 years,  
R/o 1155, Bambhadevi, Baldikori  
Ki Dabhai, Ghampur, Jabalpur.

.... Applicant

(By Advocate – Shri S. Akthar)

**V e r s u s**

1. Union of India, through Secretary,  
Ministry of Defence, Department of  
Defence Production, New Delhi.
2. General Manager, Gun Carriage  
Factory, Jabalpur. .... Respondents

(By Advocate – Shri S.A. Dharmadhikari)

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

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

- “(ii) to direct the respondents to re-consider the case of the applicant for compassionate appointment ignoring the terminal dues and value of immovable property.”
2. The brief facts of the case are that the father of the applicant late Shri Prabhu Dayal was employed in the Gun Carriage Factory, Jabalpur. He was suffering from throat cancer and was shifted to Military Hospital for treatment. But ultimately he died on 21<sup>st</sup> January, 2002 leaving behind him his widow, unmarried daughter and the applicant. The terminal benefits amounting to Rs. 2,58,881/- were given to the family and also the family pension of Rs. 2250/- is also paid regularly. The applicant applied for compassionate appointment on 26<sup>th</sup> February, 2002 (Annexure A-2)

and without considering it, the respondents rejected vide order dated 10<sup>th</sup> August, 2004 (Annexure A-5). The respondents have not considered the genuine ground of the applicant. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the records.

4. It is argued on behalf of the applicant that the deceased employee left behind him his widow, unmarried daughter who is not yet married and the applicant. The terminal dues which were paid to the family were spent on the treatment of the deceased Government servant who was suffering from throat cancer. The amount of family pension is very meager. The respondents have not considered the application of the applicant in true spirit. Hence, the Original Application deserves to be allowed.

5. In reply, the learned counsel for the respondents argued that the respondents have considered the case of the applicant for 3 different occasions as per the DOP & T norms. In comparison with other similarly placed individuals, who are far more indigent and having secured more marks than that of the applicant, the case of the applicant is not a genuine case. The terminal benefits are already given to the family and the family pension is also being given regularly. Further, the applicant could be given appointment due to lack of vacancies which is only limited upto 5% of the direct recruitment vacancies. Hence, after due consideration of the application of the applicant, it was rejected vide impugned order dated 10<sup>th</sup> August, 2004. The action of the respondents is perfectly legal and justified.

6. After hearing the learned counsel for both the parties and on careful perusal of the pleadings and records, we find that the father of the applicant i.e. the deceased Government employee died on 21<sup>st</sup> January, 2002. The application for compassionate appointment was moved on 26<sup>th</sup>

February, 2002 (Annexure A-2) by the applicant. The deceased employee left behind him his widow, unmarried daughter who is still unmarried and the applicant. But according to the policy of the Government of India, Ministry of Defence, the respondents have considered the case of the applicant for three times. Due to lack of vacancies and as well as in comparison with other similarly placed individuals who are more indigent in comparison with the applicant, the applicant was not given appointment on compassionate ground and his application was rejected by the impugned order.

7. Considering all the facts and circumstances of the case, we are of the opinion that this Original Application has no merit and is liable to be dismissed. Accordingly, the Original Application is dismissed. No order as to costs.

**(Madan Mohan)**  
**Judicial Member**

“SA”

कृतांकन सं. श्रो/न्या. .... जवलपुर. दि. ....  
प्रतिलिपि अर्जुन रिटार  
(1) सचिव, उच्च न्यायालय कार्यालय, जवलपुर  
के काउंसल S. P. K. Khatkar P.W.P.D  
(2) उपरेक्षक श्री/श्रीमती/पुरुष  
के काउंसल S. P. Dharmedukar  
(3) प्रस्तरी श्री/श्रीमती/पुरुष  
के काउंसल P.W.P.D  
(4) चांदपाल, कोरप्टा न्यायालय, जवलपुर  
सूचना एवं आवश्यक दस्तावेजों के  
संग्रहण के लिए अधिकारी का  
सुनिश्चित संकेत

Issued  
On 18.2.09  
By BB