

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

**Original Application No. 923 of 2004**

Jabalpur, this the 4<sup>th</sup> day of January, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Smt. Anusuiya Bai, Wd/o.

Late Shri Hemraj Kori, aged about  
Years, Resident of House No. 3254,  
Shubhas Nagar, Katera, Adhartal,  
Jabalpur M.P.

.... Applicant

(By Advocate – Shri A.P. Pandey)

**V e r s u s**

1. Union of India, through the  
Secretary, Ministry of Defence,  
New Delhi.

2. The General Manager, Ordinance Factory,  
Jabalpur.

3. The Commandant, Central Ordinance  
Factory, Depot, P.B. 20-Jabalpur,  
MP.

.... Respondents

(By Advocate – Shri A.P. Khare)

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

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

“i) to issue an appropriate writ order and directions to the respondents for appointment on compassionate ground quashing the order impugned contained in Ann. A-4.”

2. The brief facts of the case are that the husband of the applicant late Hemraj Kori was serving under the control of the respondents as Labourer and he died during service on 26.9.2002 leaving behind him the applicant and two children. The applicant applied for compassionate appointment on December, 2002 and on 3<sup>rd</sup> January, 2003 to the



respondents but the respondents have done nothing. Ultimately, they issued the impugned order dated 31.5.2004 by which the case of the applicant has been rejected. Aggrieved by this the applicant has filed this Original Application.

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

4. It is argued on behalf of the applicant that the respondents have not considered the case of the applicant in proper way. The contentions of the applicant about minor children of the deceased employee and the applicant belongs to SC category and the marks allotted to the applicant is 57 which are actually against the rules and procedures, were ignored by the respondents by passing the impugned order. Hence, the Original Application deserves to be allowed.

5. In reply the learned counsel for the respondents argued that an amount Rs. 1,23,614/- as terminal benefits which included DCRG, CGEGIS, GPF, leave encashment were given to the applicant and family pension of Rs. 1,618/- plus dearness relief as admissible is being paid to the applicant regularly. Her case for compassionate appointment was considered for three times before the Board of Officers, firstly on December, 2002, secondly on January, 2003 at COD, Jabalpur and thirdly on October, 2003 at COD, Kanpur. The vacancies are 5% which is very limited. The applicant could secure 57 marks only and after considering all the facts and circumstances of her case, her case was rejected. More deserving candidates were also available. Hence, the applicant was not given the compassionate appointment.

6. After hearing the learned counsel for the parties and on careful perusal of the records and pleadings, I find that the respondents have paid the terminal benefits to the applicant amounting to Rs. 1,23,614/- under the heads of DCRG, CGEGIS, GPF and leave encashment after the death of the husband of the applicant and monthly pension amounting to Rs.



1,618/- plus dearness relief as admissible is also being paid regularly to the applicant. The case of the applicant was considered for three times before the Board of Officers firstly on December, 2002, secondly on January, 2003 at COD, Jabalpur and thirdly on October, 2003 at COD, Kanpur. The respondents have considered the case of the applicant in accordance with the rules and procedures laid down and the impugned order is fully justified and legal.

7. Accordingly, considering all the facts and circumstances of the case I am of the opinion that the applicant has failed to prove her 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”

पूरांकन सं ओ/न्या. जबलपुर, दि. ....  
पत्तिलिपि जबलपुर  
(1) सचिव, उच्च न्यायालय, जबलपुर  
(2) आदेशक श्री, जबलपुर के कार्यालय  
(3) जज श्री, जबलपुर के कार्यालय  
(4) जज श्री, जबलपुर के कार्यालय  
सूचना एवं आवश्यक कार्यवाही हेतु

Shri A. P. Pandey  
Shri A. P. Khare

Issued  
On 5-1-03