

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 196 of 2002

Jabalpur, this the 10th day of April 2003.

**Hon'ble Mr. R.K. Upadhyaya - Member (Admnv.)
Hon'ble Mr. A.K. Bhatnagar - Member (Judicial)**

- 1. Smt. Teja bai
W/o Late Shri Mathole
Subhash Word, Near Badi Kermi
Panagar, Jabalpur.**
- 2. Ashok Kumar Prajapat
S/o Late Shri Mathole
Subhash Word, Near Badi Kermi
Panagar, Jabalpur.**

APPLICANT

(By Advocate- Shri M.N. Banerjee)

VERSUS

- 1. Union of India
Through the Secretary,
Ministry of Defence
New Delhi.**
- 2. General Manager
Vehicle Factory
Jabalpur.**

RESPONDENTS

ORDER

By A.K. Bhatnagar, Member (Judicial) :

By this original application filed under Section 19 of the Administrative Tribunals Act, the applicants have sought relief for directing the respondents to consider the case of the applicants for appointment on compassionate grounds.

per the
2. The brief facts as ~~aplicants~~ ^{per the} are that Shri Mathole who was working as Majdoor in Vehicle Factory, Jabalpur died in harness on 21/12/1998 leaving behind his wife Smt. Teja Bai, 3 sons namely Shri Jhura, Shri Ramkumar, Shri Ashok and 3 daughters namely Smt. Maya, Smt. Lacho Bai and Ku. Maina Bai. After the death of the husband of the applicant, ^{No. 1} Smt. Teja Bai was paid pensionary benefits i.e. family pension at enhanced rate per month Rs. 1,790/- from 22/12/1998 to 21/12/2005 and on normal rate per

month Rs. 1,273/- from 22/12/2005 and net amount payable on account of death gratuity, amounts to Rs. 1,11,702/-. It is claimed by the applicant that she moved an application before the General Manager, Vehicle Factory, Jabalpur praying for appointment of her son Ashok Kumar on compassionate grounds. As per the applicants the copy of the representation for compassionate appointment of her son has not been filed alongwith the petition, as the same is not traceable. It is also claimed that in the impugned order dated 20/03/2002 (Annexure A/5) the date of representation has been mentioned as 24/07/2000. It is also claimed that the prayer for compassionate appointment has been rejected vide impugned order dated 20/03/2002. Hence this OA.

3. We have heard the learned counsel Shri M.N. Banerjee for the applicant and have carefully perused the material on record. The learned counsel for the applicant submitted that the order of the respondents rejecting the application of the applicant is a non-speaking and stereotyped order which is against natural justice and fair play. He has also submitted that the respondents should have considered the name of the applicant thrice as per rule on the subject before finally rejecting the applicants claim. The applicant^{No. 1} has filed Annexure A/1 applying for compassionate appointment of her son which does not bear any date. The applicants have also filed a letter dated 21/01/1999 addressed to the applicant No. 1 by the Works Manager (Admin.) for General Manager to appear personally alongwith the relevant mentioned documents on 29/01/1999 at 9 AM. It is nowhere discussed by the applicants that in pursuance of this letter the applicants appeared before the respondents or not. This clearly indicates the symna-

thetical attitude of the respondents regarding information of compassionate appointment of the applicants. We have perused the impugned order No. 25/P-850/D-N-H/1031/L.B, dated 20/03/2002, issued by the Government of India, Ministry of Defence, Ordnance Factory Board, Vehicle Factory, Jabalpur signed by Joint General Manager, Admin-I for Senior General Manager (Annexure A/5). From perusal of this order it appears that the applicants have applied only on 24/07/2000 while the husband of applicant No. 1 died on 21/12/1998 after a lapse of about $1\frac{1}{2}$ years.

3.1. The appointment on compassionate ground is made with a view to assist the family of the deceased employee left behind in indigent condition on passing away of the bread-earner of the family. As per the guidelines issued it is mentioned that out of large number of applications for appointment on compassionate grounds and shortage of vacancies due to restriction on compassionate appointment by 5% of the total ^{Direct Recruitment} vacancies in the organisation, it is not possible to provide job to everybody except more deserving candidates. Infact the applicants should have applied immediately after receiving the letter from the respondents which is dated 21/01/1999. The applicants have stated in paragraph 2 of the original application that applicant No. 1's eldest son Jhura is married and is working as a Labour on casual basis in the Department. In view of the aforesaid we find no illegality in the order passed by the respondents vide their letter dated 20/03/2002 (Annexure A/5), in which it is mentioned that the applicants case were sympathetically considered by the respondents in accordance with the rules and guidelines issued by the Government.

at the admission stage itself, being devoid of merits.
No order as to cost.

A.K.
(A.K. BHATNAGAR)
MEMBER (J)

R.K. Upadhyaya
(R.K. UPADHYAYA)
MEMBER (A)

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
प लि लि लि अचो धित:-

- (1) सचिव, उच्च न्यायालय बार एडोविटोरियल, जबलपुर
- (2) असेसिंग जज/कु.....के काउंसल श्री MN Bameja
- (3) सचिव, जज/कु.....के काउंसल
- (4) सचिव, जज/कु, जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु

M. S. Sharma
जज सचिव
17-4-03

Issued
On 21-4-03
BS

"SA"