

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 220 of 2003

Jabalpur, this the 13th day of August, 2004

Hon'ble Shri M.P. Singh, Vice Chairman

1. Smt. Khinna Bai, W/o. Late Rewa Prasad, H. No. 1404, Rani Durgawati Ward, B.T. Tiraha, Garha, Jabalpur.
2. Sunil Kumar Buman, S/o. late Rewa Prasad, H. No. 1404, Rani Durgawati Ward, B. T. Tiraha, Garha, Jabalpur. ... Applicants

(By Advocate - Shri M.N. Banerjee)

V e r s u s

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. General Manager, Vehicle Factory, Jabalpur. ... Respondents

O R D E R (ORAL)

By filing this Original Application the applicants have claimed the relief for issuance of necessary writ/order or directions to the respondents to give employment to the applicant No. 2 on compassionate ground.

admitted

2. The brief/facts of the case are that the husband of the applicant No. 1 was working under respondent No. 2 i.e. in Vehicle Factory, Jabalpur, as a Painter. He died in harness on 11th December, 2001 leaving behind his wife and three sons. The applicant No. 1 has submitted an application for appointment of her youngest son Shri Sunil Kumar on compassionate ground. The respondents in their reply have stated that the applicants cannot claim compassionate appointment as a matter of right and the compassionate appointment can be given to the deceased family who really need and deserves for it. The respondents have stated that

the case of the applicant was considered by the Board of Officers and after the scrutiny it was found that the applicant No. 2's case does not fall within the category of most needed person. Hence, the respondents rejected the claim of the applicants.

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


4. On giving careful consideration to the rival contentions made on behalf of the parties, I find that the applicant No. 2's case has been considered only once by the Board of Officers and the claim of the applicants was rejected by passing a non-speaking order dated 27th September, 2002 (Annexure A-2). As per the policy<sup>framed</sup> by the Ministry of Defence, Government of India vide letter No. 10/9(4)/824-99/1998-D(Lab), dated 9.3.2001 and by the Army Headquarters letter No. 93669/Policy/OS-SC(I), dated 30.7.1999 as referred to in the reply to OA No. 22/2004, the requests for appointment on compassionate ground is to be considered by three consecutive Boards. In this case the respondents have not followed the policy framed by the Army Headquarters and Ministry of Defence. Accordingly, the order dated 27th September, 2002 is not sustainable in the eye of law and is liable to be quashed.

5. In view of the aforesaid observations, I quash and set aside the impugned order dated 27th September, 2002 and direct the respondents to re-consider the case of the applicant No. 2 for appointment on compassionate ground in view of the policy framed by the Army Headquarters and Ministry of Defence, referred to above, and take a decision by passing a speaking, reasoned and detailed



order within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, the Original Application stands disposed of. No costs.


  
(M.P. Singh)  
Vice Chairman

"SA"

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....  
प्रतिलिपि अग्रेषित:-

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/व्यु.....के काउंसल
- (3) परतर्फी श्री/श्रीमती/व्यु.....के काउंसल
- (4) ~~संलग्न, को.प्र.अ., जबलपुर न्यायपीठ~~  
सूचना एवं आवश्यक कार्यवाही हेतु

MN Banerjee  
S.P. Singh

  
उप रजिस्ट्रार  
16-8-09

Issued  
On 16.8.09  
DS