


CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

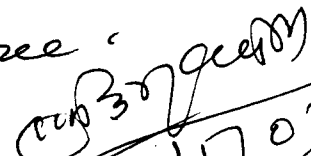
Original Application No. 232 of 2003

To Hon'ble Shri R.K. Upadhyaya - Administrative Member :-

For consideration please.


(A.K. BHATNAGAR)
JUDICIAL MEMBER

23/05/2003

I agree

23/5/03

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 232 of 2003

Jabalpur this the 23rd day of May 2003.

Hon'ble Mr. R.K. Upadhyaya - Administrative Member
Hon'ble Mr. A.K. Bhatnagar - Judicial Member

Prahalad Kumar Kachi
S/O Late Shri Paragram Kachi
aged 25 years,
R/O Ho.No. 1251, Lalmati,
Sidhbaba Road, Near Chacha Kirana
Stores, Jabalpur.

APPLICANT

(By Advocate - Shri S. Akhtar)

VERSUS

1. Union of India
Through: The Secretary
Ministry of Defence
New Delhi
2. The Commandant
Central Ordnance Depot
Jabalpur (MP)

RESPONDENTS

O R D E R

By A.K. Bhatnagar, Judicial Member :-

By this original application the applicant has challenged the order dated 26/03/2002 (Annexure A/7) passed by respondent No. 2, whereby the representation of the applicant for compassionate appointment has been rejected by the respondents and has sought the following reliefs :

- "I. To issue an order/orders, direction/directions of appropriate nature to grant an employment on compassionate ground to the applicant.
- II. To issue any other order which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case.
- III. The cost of the application be awarded to the applicant."

2. The facts giving rise to this original application in brief are that the applicant's father Shri Paragram Kachi was employed in Central Ordnance Depot, Jabalpur as a Carpenter, who died on 05/04/2000 while in

service leaving behind his wife Smt. Cheddi Bai and 4 sons including the applicant, Shri Krishna Kumar-30 years, Shri Vinay Kumar-29 years, Shri Prahlad Kumar Kachi-25 years (applicant) and Shri Sanjay Kumar Kachi-16 years. After the death of his father the family of the deceased received the pensionary benefits as Rs. 2,500/- as Immediate Financial Relief, Rs. 1,900/- per month as Family Pension and Rs. 1,73,052 as Death Gratuity, vide order dated 14/11/2000. It is claimed that due to the death of the bread-earner the family has reached in indigent circumstances as the family has no other source of income, and it has become difficult to survive. Two elder sons of the deceased are living separately and are not supporting the family. So the applicant has the responsibility to support his mother and his younger brother. It is also claimed that the applicant being unemployed submitted various representations to respondent No. 2 for compassionate appointment, alongwith his application supported by affidavits of his mother and two elder brothers to the effect that they have no objection if the applicant is given compassionate appointment. But the representation of the applicant has been rejected vide order dated 26/03/2002 (Annexure A/7) by the respondents without any reason and without passing any speaking order. Aggrieved by this act of the respondents, the applicant filed this original application.

3. The applicant's counsel submitted that the respondents have failed to consider the case of the applicant for compassionate appointment in proper perspective and in accordance with law. It is also contended that applicant is entitled for compassionate appointment as per policy of the Government. It is finally argued that the respondents have failed to consider the representation made by the applicant for compassionate appointment.

extreme reasons which is not in accordance with the rules on the subject.

4. We have heard the learned counsel of the applicant and have perused the record carefully. We have perused the impugned order dated 26th March 2002 which goes to show that the case of the applicant was examined and his request for compassionate appointment has been considered by the Circle Committee third and the last time as per extant rules on the subject. It is also mentioned therein that out of large number of applications for appointment on compassionate grounds and due to limited number of vacancies it is not possible to provide job to the applicant except more deserving candidates. We do not find any infirmity in the order passed by the respondents dated 26th March 2002 and there is no reason to interfere with the above order passed by the respondent No. 2.

5. In view of the aforesaid facts and circumstances, we find no good ground to interfere with the impugned order dated 26th March 2002 (Annexure A/7). The original application is devoid of any merit and therefore dismissed at the admission stage itself. There shall be no order as to costs.

(A.K. BHATNAGAR)
JUDICIAL MEMBER

(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

पूरांकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अगोदित:-

- (1) सचिव, उच्च न्यायालय एवं प्रमुख न्यायाधीश, जबलपुर
- (2) आवेदक श्री/श्रीमती/श्रीमती.....के काउंसल S. Akhtar, Adv.
- (3) प्रत्यक्षी श्री/श्रीमती/श्रीमती.....के काउंसल
- (4) कार्यपालक, प्रमुख, जबलपुर न्यायाधीश सूचना एवं आवश्यक कार्यवाही हेतु

Issued
26/5/07 "SA"

23/5/03