

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 20 of 2003

Jabalpur, this the 28th day of October, 2003.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. G. Shanthappa, Judicial Member

1. Smt. Madhy Bai, aged 56 years  
W/o Late Basant Kumar, HS:I(Sr. Elec),  
Under Garrison Engineer(East), MES,  
Near COD, Jabalpur(M.P.)  
R/o 913/B, Ahir Mohalla, Gorakhpur,  
Jabalpur(M.P.)-482 001
2. Santosh Kumar, aged 28 years, S/o  
Late Basant Kumar, HS:I (Sr Elec)  
Under GE(E) MES, Near COD, Jabalpur  
R/o 913/B, Ahir Mohalla, Gorakhpur,  
JBP.

APPLICANT

(By Advocate - Shri M.B. Saxena)

VERSUS

1. Union of India, Thr' Secretary,  
Ministry of Defence, New Delhi-110011
2. Chief Engineer, HQ, Jabalpur Zone,  
(MES), PB;84, Bhagat Marg, Jabalpur  
Pin. 482 001 (M.P.)
3. Commander Works Engineer, MES,  
Supply Depot Road, Jabalpur (MP)-482001
4. Garrison Engineer(East), MES, Near COD,  
Jabalpur (M.P.)

RESPONDENTS

(By Advocate- Shri K.N. Pathia)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

Applicants Nos. 1 & 2 whom are wife and son respectively of late Shri Basant Kumar HS:I (Sr.Elec) who was working in Ministry of Defence and expired while in service on 22.12.96. They have claimed relief by seeking direction to quash the impugned order dated 19.8.2002 (Annexure-A-1) and sought further direction to respondent No. 2 to offer appointment to the son of the applicant No. 1.

2. Heard the learned counsel for the applicants and respondents at some length.

*M.P. Singh*

3. Undisputed facts of the case are that the husband of the applicant No. 1 and father of the applicant No. 2 died in harness on 22.12.96. The applicants Nos. 1 & 2 have made an application for appointment on compassionate ground on 26.2.97. The applicant No. 2 was required to be considered by the respondents under Old Rules dated 30.6.1987. At that point of time, 20 percent Group-D posts were to be filled on compassionate grounds. In this case the respondents have considered the petitioners in the light of the policy dated 9.10.1998 under which only 5 percent vacancies of direct recruitment are available for appointment on compassionate ground in Group-C&D posts.

4. The applicant in support of his claim has relied on the judgment of hon'ble High Court of Madhya Pradesh in W.P. No. 5760/2000 decided on 10.1.2002 (2002 M.P.L.S.R. 736).

5. We have examined the facts of the present case in the light of the aforesaid judgment of the Hon'ble High Court of Madhya Pradesh. The case is fully covered under the aforesaid judgment of the Hon'ble High Court.

6. In view of the above position, we quash the order passed by the respondents on 19.8.2002 and further direct the respondents to reconsider the claim of the applicant and pass a detailed and speaking order in the light of the policy of 30.6.1987 under which 20 percent Group-D post were to be filled up on compassionate ground within a period of 3 months from the date of receipt of a copy of this order. No costs.

  
(G. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

*Enclosed*  
31-X-03

प्राप्तिकरण सं. ओ/ज्या..... जललपुर. दि.....  
विविधिं अपेक्षिता.....  
(1) राजित, राज्य विभागात्मक विभाग, दालहसिंह  
(2) विविध विभागीय/क्लिनिकी/क्लिनिक, दालहसिंह  
(3) विविध विभागीय/क्लिनिकी/क्लिनिक, दालहसिंह  
(4) विविध विभागीय/क्लिनिकी/क्लिनिक, दालहसिंह  
राज्य विभागात्मक विभाग, दालहसिंह  
Shri M.B. Saxena Adm. JBP.  
Shri K.N. Pethia Adm. JBP.

SKM

