

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 279 of 2003

Jabalpur, this the 2nd day of April, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

1. Goverdhan Das son of Late Bhole Ram Aged about 52 years Resident of village Mangella. Gohalpur, Jabalpur(M.P.)
2. Munna Lal son of Shri Goverdhan, Das aged about 31 years, Resident of Village Mangella, Gohalpur Jabalpur.

APPLICANTS

(By Advocate - Shri Dharmendra Sharma)

VERSUS

1. Union of India through its Secretary Ministry of Defence, Indian Ordnance Factories, New Delhi.
2. Indian Ordnance Factories Board Aculanand Road, Calcutta.
3. General Manager, Ordnance Factory Khamaria, Jabalpur.

RESPONDENTS

(By Advocate - Shri Om Namdeo)

ORDER (ORAL)

By filing this OA, the applicant has sought the following main reliefs :-

"(b) to direct the respondent No.3 to consider the case of the respondent No.2 on merit and appoint the applicant on compassionate grounds."

2. The brief facts of the case are that the applicant No.1 was working in the Ordnance Factory Khamaria Jabalpur since 1980. He had been medically boarded out by the respondents from service on 11.4.2002(Annexure-A-2) and thereafter the applicant No.1 had filed an application for compassionate appointment of his son(applicant No.2) on 5.6.2002. The respondents have issued a letter to the applicant No.1 to furnish all the requisite information to this effect on 20.7.2002 in compliance the applicants have submitted all the information to this effect in the office of the respondent No.3. The applicant No.1 states that he has no immovable property and his family is living in the rented house at village



Manguella at Jabalpur of Rs.500/- per month. The applicant No.1 received the emolument of Rs.6483/- from the respondent and he is also receiving the pension of Rs.1275/-, which is not sufficient of his family for maintaining livelihood. The respondents have not considered the aforesaid facts and condition of the applicant, and they have rejected the representation of the applicant vide order dated 10.12.02 without assigning any reasons. Aggrieved by this, the applicants have filed this OA, claiming the aforesaid reliefs.

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

4. The learned counsel for the applicants has stated that the applicant No.1 has done more than 10 years of service in the department when he was medically boarded out and he has further stated that there is no earning member in his family and on account of indigent condition the respondents have to be considered the case of applicants.

5. The learned counsel for the respondents states that the Hon'ble Supreme Court, in its various judgments, has restricted the grant of compassionate appointment to the cases of extreme penury and not as a matter of right. Whereas the applicant No.1 has already been receiving Rs.64,83/- retiral benefits and he is getting pension Rs.1275/- every month. Hence the applicants have no financial problem. The learned counsel for the respondents has produced a list for consideration of compassionate appointment, in which the applicants' names are at serial No. 35 and the 34 persons are above on the applicants and they are also waiting for appointment on compassionate ground. The learned counsel for the respondents further states that the request of the applicant for compassionate appointment was turned down due to less scoring and non-availability of suitable vacancy due to ceiling of

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5% of vacancy falling under direct recruitment quota for consideration of compassionate appointment. Therefore, the OA is liable to be dismissed.

6. After hearing the learned counsel for the parties I find that the applicant No.1 has been given Rs. 64,832/- as retiral benefits and also he receiving pension of Rs. 1275/- plus dearness rlief per month. I have also perused the list for consideration of compassionate appointment, which was produced by the counsel for respondents. In the same I find that the applicant's Name is at serial No.35 and above 34 persons are also waiting for employment. As per rules the respondents have to consider for employment to above 34 persons, thereafter only the serial No.35 will come, therefore I do not find any illegality with the order passed by the respondents.

7. With the above observation, the OA is dismissed. No costs.


(Madan Mohan)
Judicial Member

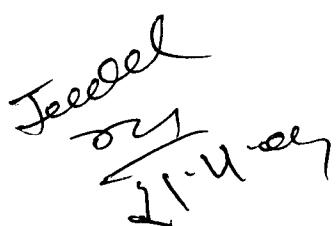
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पृष्ठांकन सं. ओ/न्या..... जलपुर, दि.....

दानिदिनी दि. १५.५.८५

(1) रमेश नाथ लाल..... जलपुर
(2) रामेश नाथ लाल..... जलपुर
(3) रमेश नाथ लाल..... जलपुर
(4) योगेन्द्र लाल..... जलपुर
सूचना एवं आवश्यक दस्तावेज़ दिए
D. Sharma
Om Maurya


उप सचिव


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