

CENTRAL ADMINISTRATIVE TRIBUNAL

JABALPUR BENCH, JABALPUR

04/339/2003

Jabalpur, this the 18th June'2003

Hon'ble Mr. D.C.Verma, Vice Chairman (J)
Hon'ble Mr. A.K.Bhatt, Member (A)

Smt. Gomtibai
Wd/o. Late Ramdayal Baghel
By caste Gond Thakur
Aged about 33 years
Presently residing at
C/o. Harish Yadav
Uday Nagar No.1,
House No. 1552
Ranjhi Gokalpur, Jabalpur Applicant

(Advocate : Shri Vinod Ahlawat)

VERSUS

1. Union of India
Through Secretary
Ministry of Defence,
New Delhi.
2. The General Manager,
Ordnance Factory,
Khamariya, Jabalpur, M.P. Respondents

(Advocate :

ORDER (ORAL)

Per : Hon'ble Mr. D.C.Verma, Vice Chairman (J)



This is the third round of litigation initiated by the applicant to claim appointment of her son on compassionate ground.

2. The applicant's husband Ramdayal Baghel died in harness on 10-9-98. An application for compassionate appointment was rejected by the respondents on 6-10-2000. The same was challenged in OA/232/02. The rejection was on the ground that the applicant had not acquired minimum educational qualification for any post on which appointment could be given. The Tribunal while deciding the said OA, directed the applicant to make a fresh representation to the respondent No.2 and the respondents were directed to take a decision on the said representation within two months. Respondents wrote to the applicant on 11-6-2002, rejecting the applicant's claim on the ground that she has received family pension, terminal benefits etc., which are sufficient to maintain her family. The order dated 11-6-2002 was challenged in OA/478/2002. This OA was decided by order dated 5-8-2002, whereby the Tribunal directed the applicant to make a fresh representation giving full details about the family pension, terminal benefits etc., and also directed the respondents to reconsider the matter in the light of the instruction No.2010/A/A sent by the Ministry of Defence. This time again



the respondents have, by a detailed order dated 26-11-2002, rejected the applicant's claim on the various ground mentioned in the order.

3. The submission of the learned counsel for the applicant is that after the Tribunal's order dated 5-8-2002 in OA/478/2002, it was not open to the respondents to reject the applicant's claim. Learned counsel for the applicant has produced before us a copy of the instruction No.2010/A/A circulated through the letter dated 3-4-2001. This is on the subject of checking the relative merit by allotment of points and provides a revised procedure for considering appointment under the scheme. This was issued by the Ministry of Defences. This provides for allotment of marks on the quantum of family pension, terminal benefits and other amounts paid to the dependant. Different numbers is to be allotted in case of immovable property, number of children and period of left over ⁱⁿ ~~over~~ service of the deceased employee.

4. The order impugned in the present OA shows that the case of the applicant was examined as per the guidelines and also as per the Supreme Court's decision and the decision of CAT. A reference is also made to the order providing only 5% of the total vacancy against which appointment on compassionate ground can be made. Finally, the impugned



order shows that the claim of the applicant has been found less deserving. Those who were found more deserving and obtained higher score in the light of the instruction No.2010/A/A were given appointment as per the available vacancy.

5. On perusal of the order impugned in the present OA, we are of the view that the case of the applicant has been properly examined by the respondents. Appointment on compassionate ground cannot be claimed as a matter of right. It is for the administrative authority to examine the deserving cases as per the instruction No.2010/A/A. Only deserving cases can be given appointment and that too within 5% quota provided for it. The respondents have examined the case of the applicant and have found that the applicant's claim is less deserving. Accordingly, there is no merit in the case. The same is dismissed at the admission stage. Cost easy.

A. K. Bhatt

(A.K.BHATT)
MEMBER (A)

D.C. Verma

(D.C.VERMA)
VICE CHAIRMAN (J)

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पूर्णांकन सं ओ/व्या.....जबलपुर, दि.....
प्रतिलिपि अद्यो दिनतः—

(1) सचिव, उच्च अदायक विभाग, विभागीय अधिकारी, जबलपुर
(2) आवेदक दी/दीप्ति, नु.....के काउंसल
(3) प्रत्यर्थी श्री/श्रीमती, नु.....के काउंसल
(4) अध्यपाल, विभाग, जबलपुर २०१०३
सूचना एवं आवश्यक विवरण: नु.....

V. Ahluwalia

Chaudhary
उप सचिव

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On 20.6.03
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