

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 440 of 2003

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

Hon'ble Mr. G. Shanthappa, Judicial Member

Kumari Lata Dubey
D/o Late Girish Kumar Dubey
Aged about 22 years,
R/o 574, Amanpur
Jabalpur.

APPLICANT

(By Advocate - Shri V. Tripathi)

VERSUS

1. The Chairman,
Ordnance Factory Board
10-A, Shahid Khudiram Bose Marg
Kolkata.
2. The General Manager
Gun Carriage Factory,
Jabalpur.

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (ORAL)

Case of the applicant is that her father died on 29.7.1997 in harness leaving ~~her~~ behind herself, her mother, brother, grand father and grand mother. Subsequent to the death of her father the respondents have paid the lump sum amount of Rs.78,000/- as terminal dues and pension of Rs. 1700/- has been fixed in the name of her mother. Under the said amount granted by the respondents it is very difficult for them to maintain the family of the deceased. Hence the applicant had submitted an application for appointment on compassionate ground. The respondents have considered the case of the applicant and rejected the claim of the applicant vide order dated 6.7.02 (Annexure-A-1). Hence the impugned order is passed without considering the para-4 of the circular dated 9.3.01 which is produced today, the said circular is referred in some other case. ⁱⁿ The said circular is applicable to the present case also. Hence the reliefs of the applicant is to be granted by issuing a direction as

prayed in the relief column to OA

2. Per contra the respondents have filed their detailed reply stating that they have sanctioned Rs. 1,55,810/- as terminal benefits and family pension of Rs. 2015/- plus ^{in the name of the mother of the applicant} D.A. has been fixed/w.e.f 1.8.97 for seven years and thereafter Rs. 1275/- plus D.A till her re-marriage or her death. The respondents have also taken the specific contention, that the case of the applicant has been considered for appointment on compassionate ground and they have issued the orders as per Annexure-A-1. The respondents have justified the orders of the respondents at Annexure-A-1.

3. The applicant has also filed a rejoinder and submits that the applicant has received the terminal benefits amounting to Rs. 1,55,810/- and pension has been fixed sum of Rs. 1970/-

4. After hearing from both sides, a short question involved for disposal of the said OA is, whether the respondents have consider the case of the applicant under the existing guidelines as on the date of the application was pending or 3 occasions vide instructions at para 4 issued by the Ministry of Defence dated 9.3.01. On perusal of the impugned order and also submission made by the respondents, the case of the applicant has been considered at once. Hence this Tribunal has come to the conclusion that, the disposal of the application of the applicant under the circular dated 9.3.01 is not proper and the case of the applicant has to be considered on the circular or guidelines or instructions for the year 1998-~~2003~~ ^{of the}. Without expressing on the merits/case, the direction is issued to the respondents to consider the claim of the applicant for grant of compassionate appointment on the same lines as directed by the Ministry of Defence under the circular or guidelines or instruction

were inforce during the year 1998-~~1999~~ but not under the circular dated 9.3.01

5. Accordingly, this OA is disposed of with a direction to the respondents to consider the case of the applicant as referred an earlier para and pass a detailed and speaking order by considering all aspects, within a period of 4 months from the date of communication of this order. No costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

SKM

पुस्तक सं. ओ/का. जमानपर. दि.
परिचयिका सं. ओ/का.
(1) ...
(2) ...
(3) ...
(4) ...
संकेत (सं. ओ/का. सं. ओ/का. सं. ओ/का.)

V. Tripathi, Adv.
CA Dharmadikari, Adv.

Dharmadikari
उप दिनांक 7.11.03

Recd
3/11/03