

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 466 of 2003

Jabalpur, this the 9th day of January, 2004

Hon'ble Shri G. Shanthappa, Judicial Member

Ku. Usha Pandey, D/o. Shri
Gupteshwar Pandey, aged about 24
years, R/o. Village Bhuili, Tehsil
and Distt. Ballia (UP), At present
Lakha Nagar, Riz Road, Jabalpur (MP). ... Applicant

(By Advocate - Shri Manish Soni on behalf of Shri R.L. Gupta)

V e r s u s

1. Union of India,
Through Secretary,
Ministry of Defence,
New Delhi.
2. Controller, General
Defence Accounts, R.K. Puram,
New Delhi.
3. Controller of Defence Accounts,
Riz Road, Jabalpur (MP). ... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R (Oral)

The above Original Application is filed challenging the impugned order dated 08.01.2003 (Annexure A-5) and for direction to the respondents to give appointment on compassionate ground to the applicant on a Class-III post in any place of Department.

2. The brief facts of the case as stated by the applicant are that the father of the applicant died in harness on 27.05.2000. Immediately the applicant has submitted an application for compassionate appointment to the respondents. The said application was submitted on 29.05.2000. The applicant is qualified as she has passed her High School, intermediate examination and B.A. The father of the applicant died leaving behind his wife, two daughters including the applicant. The respondents have settled the terminal bene-



fits and granted family pension to her mother. The said amount is insufficient for leading the life of her and her sister and mother. The applicant and her sister is yet to be get married. If the entire amount is spent, the applicant and her family will be put to great hardship. Hence they have submitted their application for appointment on compassionate ground. After considering the application of the applicant the respondents have issued the orders at Annexure A-5 dated 08.01.2003, stating that her request for appointment on compassionate ground cannot be acceded to due to non-availability of vacancies intended for compassionate appointment in the Department at present. The respondents have not considered all the grounds in accordance with the office memorandum issued by the Ministry of Defence on 9th March, 2001. Accordingly, the impugned order is not sustainable in the eye of law and there shall be a direction to the respondents to consider the case of the applicant in accordance with the guidelines regarding appointment on compassionate ground issued by the Ministry of Defence on 9th March, 2001.

3. Per contra the respondents have submitted their reply denying the averments made in the application. They have stated in the reply that the case of the applicant was considered and they have awarded marks ^{to the applicant} ~~on the basis of the~~ guidelines issued by the Ministry of Defence. The applicant scored only 48 marks out of 100. They further submitted that the family of the deceased employee received sufficient amounts from the Department as terminal benefits of Rs. 9,24,663/- and family pension of Rs. 2,790/- per month plus dearness relief. In accordance with the judgment of the Hon'ble Supreme Court the applicant is not entitled for appointment on compassionate ground. The advocate for the

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respondents has further submitted that there are many other candidates who have secured more than 90 marks and are more meritorious than the applicant. Hence the case of the applicant has not been considered.

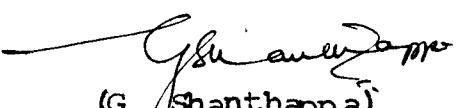
4. After hearing the advocate for the applicant and the respondents, after perusal of the records and pleadings, I proceed to decide the case finally.

5. After perusal of the impugned order at Annexure A-5 dated 08.01.2003, I find that the respondents have not as referred in the reply, assigned the reasons for rejection of the claim of the G. applicant for compassionate appointment. Accordingly, the impugned order at Annexure A-5 is not passed in accordance with the guidelines for compassionate appointment, issued by the Ministry of Defence, on 9th March, 2001.

6. Since the impugned order is not a speaking order and as there is no application of mind, the same is liable to be set aside and quashed. Accordingly, the same is quashed. The matter is remanded back to the respondents for consideration of the applicant's case for appointment on compassionate ground on par with the guidelines issued by the Ministry of Defence on 9th March, 2001. The respondents are directed to pass a speaking, reasoned and detailed order within a period of three months from the date of receipt of copy of this order.

7. Accordingly, the original Application is partly allowed.

No costs.


(G. Shanthappa)
Judicial Member