

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 540 of 2003

Jabalpur, this the 5th day of December, 2003.

Hon'ble Mr. M.P. Singh, Vice Chairman

Mukesh S/o Sonelal aged about 24
years, ward No. 4
Near Loksagar, Post-Office Barela
Jabalpur M.P.

APPLICANT

(By Advocate - Shri Surendra Verma)

VERSUS

1. Union of India Ministry of
Defence through Secretary
New Delhi.
2. Ordnance Factory Board
through the Chairman
Kolkata (W.B)
3. Ordnance Factory Khamariya
through the General Manager,
Jabalpur (MP)

RESPONDENTS

(By Advocate - Shri K.N. Pethia)

ORDER (ORAL)

By M.P. Singh, Vice Chairman -

The applicant, by filing this OA, has sought a direction to the respondents to appoint him on compassionate ground.

2. The brief facts of the case are that the applicant's father late Shri Sonelal was working as Machinist skilled (Ticket No. A-3/260/53543) in Ordnance Factory Khamaria Jabalpur. He died in harness on 31.12.2000. The brother of the applicant has submitted an application for appointment on compassionate ground. The respondents vide letter dated 12.6.03 have rejected the said application. Hence he has filed this OA.

3. Heard the learned counsel for the parties.

4. The learned counsel for the applicant has submitted that the main ground for rejection of application by the respondents is that the family of the deceased has been paid the terminal benefits and is also getting amount of Rs. ^{2200/-} ~~2000/-~~ per month as family pension. He has submitted that the applicant is very

needy person and belongs to OBC category and the case cannot be rejected only on the ground that the family has been paid terminal benefits, after death of his father. In support of his claim he has ^{relied} ~~relied~~ on the judgment of the Hon'ble Supreme Court in the case of Balbir Kaur and Anr Vs Steel Authority of India Ltd and Ors. AIR 2000 SC 1596, He has also submitted that the applicant ² was getting the family pension of Rs.2200/- ^{but ~~and~~ the same} ~~has~~ been stopped in terms of the PPO Annexure-A-7 ^{and} ~~he is~~ ^{now} not getting family pension and also does not have any other means of livelihood.

4. On the other hand the learned counsel for the respondents stated that the ^{2 request} ~~case~~ of brother of the applicant has been considered along with other candidates and he could secure only 43 marks, on the basis of the certain yardstick and also guidelines fixed by the department to consider the persons for appointment on compassionate ground. Accordingly his case was rejected. He has also submitted that the appointments of candidates on compassionate ground are required to be considered only within the 5 percent vacancies of direct recruits. Since more needy persons were available and no vacancy was available within the 5 percent quota prescribed for this purpose, he could not be considered for appointment on compassionate ground.

5. I have carefully considered the submissions made by the learned counsel for the parties and perused the pleadings and material available ^{on} ~~and~~ record. ^{the}

6. I find that the case of brother of the applicant has been considered for appointment on compassionate ground within the prescribed quota ^{of} ~~5~~ percent of the vacancies. Keeping in view the law laid down by the Hon'ble Supreme Court in the case of Balbir Kaur (supra), I feel that the terminal benefits paid to the family should not be the only ground to reject the request of compassionate appointment.

Therefore, considering the law laid down by the Apex Court, ends of justice would be met if a direction is given to the

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respondents to re-consider the case of the applicant for compassionate appointment, if some vacancy ^{ies are 8} ~~is~~ available within the quota of ⁵ percent and also taking into consideration the fact that in case person securing less mark than the applicant has been appointed to the post on compassionate appointment, within a period of 3 months from the date of receipt of copy of this order. Ordered accordingly. The OA is disposed of with the aforesaid terms. No costs.

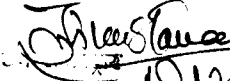

(M.P. Singh)
Vice Chairman

SKM

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Shri Surendra Verma Adv. JBP

Shri K. N. Pethia Adv. JBP.


18/12/03

Filed
on
11/12/03