

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 553 of 2003

Jabalpur, this the 31st day of October, 2003.

Hon'ble Mr. M.P. Singh, Vice Chairman (Administrative)  
Hon'ble Mr. P. Shanthappa, Judicial Member

Kishan Das, S/o Late Kanchhedi Lal,  
Aged about 36 years, R/o Ranjhi Nai Basti,  
Marghati Road, (Behind Lalla Floor Mills)  
Ranjhi, Jabalpur (M.P.)

APPLICANT

(By Advocate - Shri Rajendra Shrivastava)

VERSUS

1. Union of India, Ministry of Defence,  
Through Its Secretary, New Delhi
2. Garrison Engineer (East), Jabalpur-  
482001
3. Chief Engineer, Jabalpur Zone, Bhagat  
Marg, Post Box No. 84, Jabalpur Cantt,  
982001
4. Chief Engineer, Central Command  
Lucknow-02.
5. Engineer In Chief, Branch AHQ, New  
Delhi-11.

RESPONDENTS

(By Advocate - Shri P. Shankaran)

ORDER (ORAL)

By G. Shathappa, Judicial Member -

The applicant has filed above application seeking relief to direct the respondents to appoint the most deserving applicant on compassionate ground and also to quash the impugned order dated 31.7.02 (Annexur-A-7).

2. The case of the applicant is, that the applicant's father Kanchhedilal died in harness on 2.6.94. The applicant had submitted his application for appointment on compassionate ground due to the death of his father. The respondents have considered the case of the applicant under the circular dated 9.3.01 and rejected ~~applying~~ <sup>it</sup>. The case of the applicant is that his father died in the year 1994. The respondents have rejected his application without considering the circular existing in the year 1994-1995. The case of the applicant is that the respondents wrongly considered, while rejecting the application for appointment on compassionate

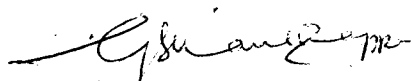
*cf.*


ground which is not proper.

3. The learned counsel for the respondents has pointed out that the applicant in his OA at para-6.10 has referred the circular dated 9.3.2001 accordingly the impugned order is passed and he has also supported the impugned order is proper and there is no illegality in the order. The respondents have rightly considered the case of the applicant vide circular dated 9.3.2001.

4. We have perused the pleadings and documents on record and also heard the learned counsel from both the sides.

5. After hearing the parties. We have disposed of this OA only on the ground, whether the respondents have considered the case of the applicant under the circular which was in force in the year 1994. The respondents have to consider the claim for appointment on compassionate ground vide policy dated 13.6.87 or policy issued on 9.10.98 in the instant case. Admittedly the respondents have considered the case of the applicant vide circular dated 9.3.2001 which is not proper. The Hon'ble High Court of M.P. has decided a similar case and which is reported in 2003(1) ATJ 367 T.Swamy Das Vs. UOI, wherein it is held held- One who is eligible for appointment on compassionate ground-Cannot be denied on applying the policy framed subsequently. The case of the applicant squarely covered by the judgment of the Hon'ble High Court of M.P. as mentioned above. Accordingly the OA is allowed and impugned order dated 3.1.2002 (Annexure-A-7) is quashed with a direction to the respondents to consider the case of the applicant for compassionate appointment in terms of guidelines dated 13.6.87 and the policy existing at the relevant point of time. Accordingly the respondents are directed to consider the case of the applicant for appointment on compassionate ground within a period of 4 months from the date of receipt of a copy of this order. No costs.

  
(G. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

पृष्ठंक सं ओ/व्या.....जबलपुर, दि.....

पतिनिर्दिष्ट अथोक्षितः—

- (1) यदिय, ज.प. पत्राचारक लय एतं विषयम, ज. जबलपुर
- (2) जयपुर, ज.प. पत्राचारक लय एतं विषयम, ज. जबलपुर R. Shrivastava, Aho.
- (3) जयपुर, ज.प. पत्राचारक लय एतं विषयम, ज. जबलपुर P. Shankar, Aho.
- (4) ज. जबलपुर, ज.प. पत्राचारक लय एतं विषयम, ज. जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

*Shrivastava*  
ज. जबलपुर 7-11-03

*Talwar*  
*on*  
*7/11/03*

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