

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 578 of 2003

Jabalpur, this the 12th day of August, 2004

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

Bhagwandas, S/o. Rambhajan Kol,
aged about 29 years, R/o. Bichuwa
(Chhatarpur), P.S. Panagar, Jabalpur, M.P. ... Applicant

(By Advocate - Shri Vinod Ahlawat)

V e r s u s

1. Union of India,
through Secretary,
Ministry of Defence,
New Delhi.
2. The General Manager,
Ordnance Factory,
Khamaria, Jabalpur. ... Respondents

(By Advocate - Shri K.N. Pethia)

O R D E R (Oral)

By filing this Original Application the applicant has sought the following main relief :

"(i) direct the respondents that under the Kith and kin policy in the light of the relevant rules and subject to availability of the post to create supernumerary post to release the sudden economic distress by sudden demise in harness of the Govt. employee giving sympathetic consideration."

2. The brief facts of the case are that the father of the applicant late Rambhajan Kol was working under the respondent No. 2 i.e. Ordnance Factory, Khamaria, Jabalpur. He died in harness on 29th November, 1998. After the death of the deceased Government servant the mother of the applicant granting preferred an application for compassionate appointment to her son. According to the applicant, he does not have any moveable immovable properties and is living in a rented house.

The case of the applicant was considered by the respondents and the same was rejected vide letter dated 9.2.2000 (Annexure

A-3). The mother of the applicant again made representation

dated 28.9.2002 (Annexure A-4) to the respondents but the same has also been turned down by the respondents. Hence, this Original Application claiming the aforesaid relief.

3. The respondents in their reply have stated that the request of the mother of the applicant for providing employment to her son i.e. the applicant on compassionate ground was duly considered by the competent authority and in accordance with the existing DOPT instructions. The marks were given to all attributes and the applicant scored only 30 marks. Thereafter the case of the applicant was carefully examined by the competent authority for determining the financial destitution and penurious conditions of the family so as to decide whether the case is really deserving or not. The competent authority came to the conclusion that the request for employment on compassionate ground is not really deserving one and hence her request was rejected and she was accordingly informed by the impugned order dated 9.2.2000. Thereafter the mother of the applicant again filed her application dated 28th September, 2000. However, since in the said application, no new facts were brought out, her request was turned down. In view of the aforesaid submission the application is wholly misconceived and devoid of merits and is, therefore, liable to be dismissed.


4. I have given careful consideration to the rival contentions made on behalf of the parties and I find that the



Contd. 3/-

father of the applicant died in harness on 29.11.1998. The applicant's mother has submitted an application to the respondents for compassionate appointment of her son i.e. the applicant and which was rejected by the respondents vide order dated 9th February, 2000. Thereafter another representation has also been given by the mother of the applicant on 28th September, 2002 which has also been turned down by the respondents. As per the policy laid down by the Ministry of Defence, Government of India vide letter No. 10/9(4)/824-99/1998-D(Lab), dated 9.3.2001 and by the Army Headquarters letter No. 93669/Policy/OS-SC(I), dated 30.7.1999 as referred to in the reply to OA No. 22/2004, the case of compassionate appointment is to be considered by three consecutive Boards. In this case I find that the case of the applicant has been considered only once, which is not in accordance with the policy laid down by the Army Headquarters and Ministry of Defence. Therefore, the order passed by the respondents at Annexure A-3 dated 9th February, 2000, rejecting the claim of the applicant is liable to be quashed and set aside.

6. Accordingly, the order dated 9.2.2000 is quashed and set aside and the respondents are directed to re-consider the case of the applicant in accordance with the aforesaid policy of the Army Headquarters and Ministry of Defence, within a period of three months from the date of receipt of a copy of this order. Original Application stands disposed of accordingly. No costs.


(M.P. Singh)
Vice Chairman