

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 611 of 2003

Jabalpur, this the 30th day of June, 2004

Hon'ble Mr. Madn Mohan, Judicial Member

Imran
S/o Late Sikandar
Aged about 26 years,
R/o House No. 93/364-A,
Patel Road, Pachmadhi
Distt. Hoshangabad

APPLICANT

(By Advocate - Shri V. Tripathi)

VERSUS

1. Union of India
through its Secretary
Ministry of Defence
New Delhi.

2. The Chief Engineer,
Central Command,
Military Engineering
Services Lucknow.

3. The Chief Engineer,
Military Engineering Services,
Jabalpur Zone, Jabalpur

RESPONDENTS

(By Advocate - Shri P. Shankaran)

ORDER (ORAL)

By filing this OA, the applicant has sought the following main relief :-

"(ii) Set aside the order dated 7th September 2002 Annexure-A-1.

(iii) Direct the respondents to appoint the applicant on a suitable post on compassionate ground"

2. The brief facts of the case are that the father of the applicant Sikandar was working as Mason in the respondents department. He died in harness on 25.11.98 and left behind 3 sons, 1 daughter and his widow. After the death of the applicant's father, his mother had a sum of received/Rs. 2,41,154/- as retiral benefits and she is receiving a/ Rs. 2095/- per month as family pension. The brothers of the applicant are living separately and he is residing with his mother. The applicant has

:: 2 ::

submitted an application for compassionate appointment to the respondents. After receiving the application of the applicant, the respondents department has issued a letter dated 27.5.2000(Annexure-A-2) whereby the applicant was directed to submit certain information. Accordingly, the applicant submitted an affidavit dated 27.6.2000 (Annexure-A-3) whereby the details of the family members, moveable and immovable property were furnished. Thereafter the respondents have issued an order dated 7.9.2002 whereby the case of the applicant for compassionate appointment has been rejected by the respondents on the ground that the actual income of the deceased family is Rs. 10,000/- on certain per year and other grounds. According to the applicant, except that the family pension of the mother, there is no other source of income of the applicant's family, therefore, it has been wrongly mentioned in the order dated 7.9.2002 that the income of the deceased family is Rs.10,000/- per year and has also been wrongly mentioned that the deceased family has/own house. Aggrieved by this, the applicant has filed this OA claiming the aforesaid relief.

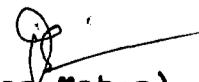
3. Heard the learned counsel for the parties.

4. The learned counsel for the applicant has stated that while issuing the order dated 7.9.2002 the respondents wrongly mentioned in the aforesaid order that the applicant's family's actual income is Rs.10,000/- per annum and it is also mentioned that the applicant ~~owns a house which is~~ without any basis. The learned counsel for the applicant has further stated that the applicant is living with his mother and his elder brothers are living separately with their family.



5. The learned counsel for the respondents has stated that the case of the applicant was considered very sympathetically in accordance with the existing guidelines on the subject by a Board of Officer constituted by the Competent Authority. However, due to very lower merit of the candidate by securing only 38 marks on various attributed as per the norms on the subject and more deserving cases in hand and further non-availability of vacancies within 5 percent quota under direct recruitment quota for compassionate appointment, the case of the applicant was not recommended for employment assistance by the Board and the competent authority was constrained to accept the recommendation and inform the result to the applicant by an order dated 7.9.2002. The learned counsel for the respondents has further stated that the mother of the applicant had received retiral benefits of Rs.2,41,154/- and she is also receiving family pension of Rs. 2095/- plus dearness relief and he has also stated that the applicant's sister Tabsum is already married and the applicant has no other liability. The learned counsel for the respondents has further stated that the retiral dues and family pension is sufficient for the applicant's family for their livelihood. Hence, the OA deserves to be dismissed.

6. After hearing the learned counsel for the parties and having carefully perused the records, I find that the respondents have paid the retiral dues to the applicant's mother at Rs. 2,41,154/- and she is receiving family pension of Rs. 2095/- plus DA per month and also I find that the applicant has own house may be 'Kachcha', and he has no liability of his family because his sister has already been married and brothers are living separately. The retiral dues which have been received by the applicant's mother all sufficient to their livelihood. For the reasons recorded above, the OA is bereft of merits. Accordingly, the OA is dismissed. No costs.


(Madan Mohan)
Judicial Member