

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH  
JABALPUR

O.A. No. 619/2003

Jabalpur, the 10th Day of November, 2003

Hon'ble Shri Sarweshwar Jha, Member (A)  
Hon'ble Shri Bharat Bhushan, Member (J)

Chaman Lal Domar,  
S/o Shri Jhumak Lal (late),  
R/o Polipathar,  
Bagada Dafai, Gvarighat,  
Jabalpur.

.... Applicant

(By Advocate: Shri Deepak Panjwani, on behalf of Rajendra Tiwari, Counsel for applicant

Versus

1. The Union of India,  
through the Secretary,  
Ministry of Defence,  
New Delhi.
2. The General Manager,  
Ordnance Factory, Khamariya,  
Jabalpur.
3. The In-Charge Officer/Admn.  
Ordnance Factory, Khamariya,  
Jabalpur.

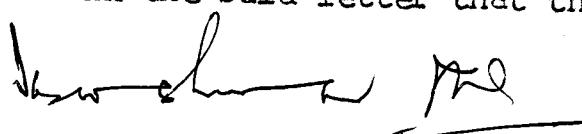
... Respondents

(By Advocate: Shri P. shankaran)

O R D E R (Oral)

By Shri Sarweshwar Jha, Member (A)

Heard the learned counsel of the applicant as well as of the respondents. At the very outset, a reference was made to the impugned letter of the respondents placed at Annexure A-8 whereby the request of the applicant for giving him compassionate appointment on the ground of the death of his father while in service has been rejected on the ground as mentioned in the said letter. It has been indicated in the said letter that there is no minor child in



the family ; that there are two adult sons capable of earning their livelihood; and that the family is in receipt of monthly pension of Rs. 2,550/- and also DCRG amount of Rs. 3,15,489/-; and on, on the above grounds, the respondents have not found the case fit for acceptance.

2. The applicant in his OA has cited the decisions of the Patna High Court in W.P. No. 2410/2001 passed on 23.6.2003 in which a view has been taken that refusal of compassionate appointment merely on the ground that some amount towards gratuity and provident fund was paid to the deceased family will frustrate the entire purpose of compassionate appointment. The applicant has, therefore, contended that his request for appointment on compassionate ground should not have been rejected on the ground that the family has been in receipt of pension as well as gratuity after the death of his father.

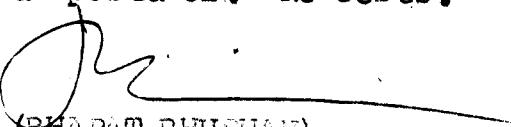
3. The learned counsel for the respondents has further submitted that he may be allowed to file his reply in the matter in which the entire position would be clarified. However, in his oral submission, that all the cases on compassionate ground are evaluated with reference to certain parameters of marking and that all such cases must have been given necessary marks on the basis,

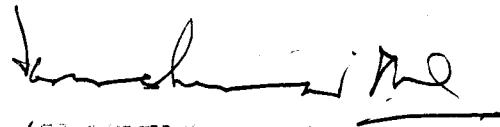
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He is of the view that before this case was rejected, the said system must have been followed.

4. Keeping in view the facts and circumstances of the case and after hearing the learned counsel of both sides and after perusing the material on the record, we are of the considered opinion that the appropriate course would be to dispose of this case at this stage itself by giving directions to the respondents to treat this O.A. as a representation of the applicant and reconsider it with regard to the parameters which the learned counsel of the respondents has referred to in regard to the evaluation of such cases and to dispose of the matter in the light of the observations made above, by issuing a reasoned order within three months from the date of receipt of a copy of this Order.

With these directions, the O.A. is disposed of. No costs.

  
(BHARAT BHUSHAN)  
MEMBER (J)

  
(SANVESHWAR JHA)  
MEMBER (A)

Enclosed  
12/11

कृतिक्रम से श्री/न्या.....जरलपुर, दि.....

सुनिश्चित आचें दिएः—

(1) रमेश, उच्च व्यायालय जार एवं विधायक, जरलपुर

(2) अकेश की/श्रीमती/कु. .... के कानूनी

(3) प्रत्येकी श्री/श्रीमती/कु. .... के कानूनी

(4) धर्मपाल, के प्राप्ति, जरलपुर एवं विधायक

सूचना एवं अवश्यक कार्यवाही देते

Deepak Panigrahi  
P. Shankaran, Adv.

John James  
12.11.03