

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

ORIGINAL APPLICATION NO.660 OF 2003

Jabalpur, this the 23rd day of January, 2004

Hon'ble Shri G.Shanthappa - Judicial Member

Mahesh Prasad Kel, S/o Pasauram Kel,
Aged 25 years, R/o village Dhamki,
P.O.Bela Tah.Sihera Distt.Jabalpur

- Applicant

(By Advocate - Shri Vined Ahlawat)

Versus

1. Union of India, Ministry of Defence,
Through its Secretary, New Delhi.

2. Commandant, Central Ordnance Depot,
Post Box No.20, Jabalpur M.P.

- Respondents

(By Advocate - Shri Om Namdeo)

ORDER (ORAL)

This Original Application has been filed by the applicant for a direction to the respondents to consider his case for grant of compassionate appointment. He has also challenged the order dated 6.2.2003 by which his representation for compassionate appointment has been rejected by the respondents.

2.8 The brief facts of the case are that the father of the applicant, who was working as labourer under the respondent no.2, died in harness on 22.3.2002 leaving behind his two sons and his widow. After the death of his father, the family of the deceased employee has been paid only Rs.1,50,000/- as terminal benefits and family pension of Rs.1700/- is being paid. The applicant submits that the family of the deceased employee has no source of income and has also no immovable property. Therefore, the applicant has submitted an application for grant of compassionate appointment vide Annexure-A-8 dated 7.5.2002, however, the same has been rejected by the respondents through a cyclostyled order dated 6.2.2003(Annexure-A-7). The learned counsel for the applicant has contended that the

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impugned order dated 6.2.2003 is not sustainable in the eye of law as it has been passed without considering the full facts of the case, as no reason has been assigned while rejecting the claim of the applicant. He has, therefore, prayed that the respondents be directed to consider the case of the applicant for grant of compassionate appointment afresh.

3. The respondents have filed their reply denying the averments made in the OA. They have submitted that due to the death of the father of the applicant, they have sanctioned terminal benefits of Rs.1,68,903/- and family pension of Rs.1863/- per month is being paid to the family of the deceased employee. The learned counsel for the respondents has drawn my attention to Annexure-A-4, which is a caste certificate, in which the income of the applicant is mentioned as Rs.8,000/- per annum. He has further contended that the case of the applicant has been considered in terms of the policy framed by the Ministry of Defence dated 9.3.2001 by taking into account his financial status, property and terminal benefits, paid to the family. The respondents have contended that the number of vacancies available for appointment on compassionate grounds by relaxation of normal recruitment rules are only 5% of the vacancies occurring in a calendar year, and to cope up with the limited number of vacancies, procedure has been streamlined by the higher authorities. The said procedure is meticulously followed while deciding the merit/allotment of marks at the time of final selection. The learned counsel has relied on the decision of the Hon'ble Supreme Court in the case of Umesh Kumar Nagpal Vs. State of Haryana & others and has contended that the applicant is not entitled for appointment on compassionate grounds, therefore, the OA is liable to be dismissed.

4. Heard the learned counsel for the parties and perused the records carefully.



Centd...3/-

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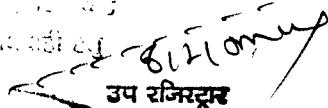
5. The respondents have passed the impugned order dated 6.2.2003 (Annexure-A-7) in a cyclestyle form. At the time of arguments the respondents have also not been able to convince the Tribunal that the order has been passed in terms of the guidelines issued by the DOPT by considering all the relevant factors. In this view of the matter, the impugned order dated 6.2.2003 is not sustainable in the eye of law.

6. In the result, the impugned order dated 6.2.2003 is quashed and set aside. The respondents are directed to pass a speaking detailed and reasoned order on the basis of the particulars mentioned in the reply to the OA and also to consider the case of the applicant sympathetically within a period of two months from the date of receipt of a copy of this order. The OA is disposed of in the above terms. No costs.


(G. Shanthappa)
Judicial Member

प्राप्तिकरण कर्ता/ज्ञा.....जवालपुर, दि.....
प्रतिक्रिया कर्ता/ज्ञा.....

- (1) अर्दित, अवार्डी, निवास, जवालपुर
(2) विनेश, अवार्डी, काउंसल (Vineet) Akhawat, Adv.
(3) विनेश, अवार्डी, काउंसल (Vin Manveer, Adv.)
(4) विनेश, अवार्डी, काउंसल (Vineet)

सूचना एवं उपर्युक्त विवरों को

उप रजिस्ट्रर

14/8/04
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6/2/04