

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 63 of 2003

Jabalpur, this the 8th day of April 2003

Hon'ble Shri R.K. Upadhyaya -- Member (Admnv.).
Hon'ble Shri A.K. Bhatnagar -- Member (Judicial).

Smt. Hari Bai, W/o. Ram Prasad,
Aged about 41 years, C.O.D.
Servant's Quarter No. P/17,
Ordnance Road, Jabalpur M.P. ... Applicant

(By Advocate - Shri V.K. Singh)

V e r s u s

1. Union of India,
Through its Secretary,
Ministry of Defence,
New Delhi.
2. The Commandant,
Central Ordnance Depot,
Jabalpur. ... Respondents

O R D E R

By A.K. Bhatnagar, Member (Judicial) :-

This original application has been filed under Section 19 of the Administrative Tribunals Act for seeking direction to the respondents for considering the case of the applicant for appointment on compassionate ground in the light of the scheme dated 03/04/2001 (Annexure A/5).

2. The brief facts giving rise to this application are that the husband of the applicant late Ram Prasad Bain was in employment with the respondents establishment, who died in harness on 02/03/2002 at Jabalpur leaving behind his widow Smt. Hari Bai the applicant, Ku. Neetu, Ku. Sakun both unmarried daughters and Shri Om Prakash his son. The applicant requested for compassionate appointment which was rejected by the respondents vide impugned order dated 17/12/2002 (Annexure A/4). The learned counsel for the

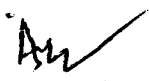
applicant has argued that the case of the applicant has not been considered on legal footing as her case should have been considered in the light of the scheme Annexure A/5, and the rejection order passed by the respondents is against the policy and rules given in the scheme of compassionate appointment which is Annexure A/5. Hence this Original Application.

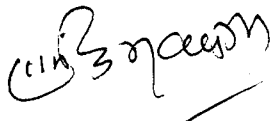
3. We have heard Shri V.K. Singh learned counsel for the applicant and perused the record carefully. We have seen the impugned order dated 17/12/2002 rejecting the claim of the applicant for compassionate appointment which is a detailed order specifying clearly that the application of the applicant ^{been} has been considered third and the last time by the Selection Committee after considering the rules on the subject. It is also mentioned that out of large number of applications for appointment on compassionate grounds and shortage of vacancies due to restriction on compassionate appointment it is not possible to provide job to the applicant except more deserving candidates, so his application was rejected. The order dated 17/12/2002 is quite a detailed order and seems ^{to be} justified. From perusal of the grounds in the OA filed by the applicant we noticed that in para 5.4. the applicant ^{has} has averred "that, there is doubt whether the applicant's application for compassionate appointment was ever put before the Board or not?". This clearly shows that this application has been moved only on conjectures and surmises that his application for compassionate appointment has not been properly considered by the respondents. In view of the aforesaid we find no good ground to interfere in the order passed by the respondents dated 17/12/2002.

4. Accordingly this Original Application is

Am /

dismissed being devoid of merits, with no order as to cost at the admission stage itself.


(A.K. BHATNAGAR)
MEMBER (J)


(R.K. UPADHYAYA)
MEMBER (A)

पृष्ठांकन सं. ओ/न्या..... जटलपु. दि.....
परिचयित

- (1) रजि. नं. 100/03
- (2) रजि. नं. 101/03
- (3) रजि. नं. 102/03
- (4) रजि. नं. 103/03

सूचना एवं आवश्यक कानूनी मदद

वकिल V K Singh, Adv.
H C of M P
JBP


10/1/03

"SA"

Issued
on 16.4.03
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