

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 65/2003

Smt. Madhu Kuril, aged about  
35 years, wife of late Pradeep  
Kumar, R/o. House No. 439,  
Gali No. 9, Sadar Bazar, Jabalpur  
Cantt, Tahsil and District,  
Jabalpur (M.P.).

... Applicant

Versus

1. Union of India,  
Through Secretary,  
Ministry of Defence Production,  
South Block, DHQ PO,  
New Delhi - 110 011.
2. Director General of Ordnance  
Factory/Chairman, Ordnance  
Factory Board, Khudiram Bose Road,  
Kolkata-1.
3. Senior General Manager,  
Gun Carriage Factory,  
Jabalpur (M.P.).

... Respondents

Counsel :

Shri R.B. Yadav for the applicant.

Coram :

Hon'ble Shri Justice N.N. Singh - Vice Chairman.  
Hon'ble Shri R.K. Upadhyaya - Member (Admnv.).

O R D E R  
(Passed on this the 13<sup>th</sup> day of February 2003)

By Hon'ble Shri Justice N.N. Singh - Vice Chairman :-

The applicant has filed this Original Application for quashing the impugned order Annexure A-7, dated 31/10/2002 passed by the respondent No. 3 and for directing the respondents to consider the case of the applicant for her compassionate appointment.

2. The case of the applicant is that her husband late Pradeep Kumar, working as a Peon in Gun Carriage

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Factory, Jabalpur died in harness on 18/05/2000 leaving behind her mother and this applicant as his heirs. The applicant claimed to have filed an application Annexure A-2 for her compassionate appointment, but the same was rejected by impugned order Annexure A-7. It was further claimed that the applicant was married with late Pradeep Kumar  $4\frac{1}{2}$  years ago only and as her name was not entered in the service book, she had to obtain succession certificate from competent court, according to which the applicant and Smt. Kamla Bai mother of the deceased were held entitled to get equal share in the retiral benefits of the deceased. The grievance of the applicant is that while rejecting her prayer, the respondents mentioned about payment of retiral benefits, but the amount mentioned therein have not been <sup>entirely</sup> received by her and that it is difficult for her to meet the day to day routine expenses for livelihood. It was also asserted that on the ground of payment of terminal benefits only the prayer for compassionate appointment could not be rejected.

3. We have heard learned advocate for the applicant and have gone through the record. The main grievance of the applicant appears to be that the mother of the deceased also shared the terminal benefits, who was also in receipt of terminal benefits of her own husband. The grievance regarding sharing of terminal benefits could not be a service matter to be considered by this Tribunal. Needless to say that the object of providing compassionate appointment to any family member of the deceased employee was simply to enable the family to get over the financial crises which it faced at the time of death of the sole breadearner. The object of providing such relief should not

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be taken as an opening of an alternative mode of recruitment to public employment as though it was a line of inheritance. In the impugned order Annexure A-7 ofcourse the respondents referred to regarding payment of terminal benfits in order to show the financial position of the applicant, but at the same time it was also mentioned that it could not be claimed as a matter of right and that having regard to the ceiling of 5% of direct recruitment quota posts, for making appointment on compassionate basis, it was not possible to accommodate each and every person by offering an appointment. It was further mentioned that the comparative merit of the various applicants was required to be determined by careful assessment of the financial status and need of the family of the deceased employee.

3.1. In the instant case there is no minor children or unmarried daughter of the deceased and the applicant is alone dependant of the deceased claiming for compassionate appointment. Reference was made to the decision of the Apex Court in the case of Sushma Gosain Versus Union of India reported at (AIR 1989 SC Page 1976). Comment of the Apex Court regarding implication of the aforesaid decision is made in the case of Umesh Kumar Nagpal Versus State of Harayana reported at (1994) 27 ATC Page 537 :

"We are also dismayed to find that the decision of this Court in Sushma Gosain Versus Union of India has been misinterpreted to the point of distortion. The decision does not justify compassionate employment either as a matter of course or in employment in posts above Classes III and IV....."

In Annexure A-7 while rejecting the prayer of the applicant the respondents clearly stated that in view of 5% limitation of direct recruits for the year and in view of

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Comparative indigent condition of other claimants, it was not possible to give compassionate appointment to the applicant. We find no defect in this reason and the applicant has not been able to show that anyone less deserving, was granted compassionate appointment.

4. In the result we find no merit in this original Application and accordingly it is dismissed at admission stage itself.

(Signature)

(R.K. UPADHYAYA)  
MEMBER (A)

(Signature)  
(N.N. SINGH)  
VICE CHAIRMAN

पृष्ठांकन सं. ओ/न्का..... जबलपुर, दि.....  
परिलिखि अन्वेषित:—  
(1) सर्वित, उत्तर व्याधालय दार एसोसिएशन, जबलपुर  
(2) शाकेश्वरी की/वीजनी/कु..... वो जातिसम्म  
(3) पन्नायी की/वीजनी/कु..... देव काउंसल  
(4) चंद्रमल, देवपाल, जबलपुर व्याधीड  
सूचना एवं आवश्यक कार्यकारी हेतु

R.B. Gorakhpur, Dec

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