

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 734 of 2003

Jabalpur, this the 20th day of February, 2004

Hon'ble Mr. G.Shanthappa, Judicial Member

Manoj Kumar Patel
S/o Ramawatar Patel
Aged 21 years
Occ : Unemployed
R/o H.No. 456, Khatik Mohalla
Sanjay Nagar, Ranjhi
Near Hanuman Mandir, Jabalpur

APPLICANT

(By Advocate - Vinod Alhawat)

VERSUS

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

2. General Manager,
Gun Carriage Factory,
Jabalpur M.P.

RESPONDENTS

(By Advocate - Shri Gopi Chourasia)

ORDER (ORAL)

The above OA has been filed by the applicant for a direction to the respondents to consider the case of the applicant for compassionate appointment.

2. The brief facts of the case are that the father of the applicant ~~late~~ Shri Ram Avatar was working under the respondent No. 2 and he died in harness on 25.4.2001 leaving behind widow, ~~an~~ 2 daughters and one son i.e. the applicant. Due to the death of father of the applicant, there is no bread earner in the family. After death of his father, the family has received Rs. 3,08,146/- towards terminal benefit/the mother of the applicant is getting pension of Rs.2300/- plus DA. Since the sisters of the applicant are young and



they are also studying in the college, whatever amount has been issued to the family of deceased, the same is insufficient for their livelihood. Therefore the applicant has submitted a representation to the respondents for appointment on compassionate ground. Subsequently, the respondents have rejected the said representation of the applicant vide order dated 23.11.2002(Annexure-A-4).

3. The respondents have filed their reply denying the averments made in the OA. They have contended that they had considered the case of the applicant along with other similarly placed individuals and in accordance with the OM ~~maximum~~ dated 9.10.1998. They have calculated the marks of the applicant. He has secured only 56 marks whereas in that year itself people who got more marks were not accommodated because of lack of vacancies. The family of the applicant has received sufficient amount from the department. They have no legal right to ask for appointment on compassionate ground. The case of the applicant has been rejected on the ground that the mother of the applicant has received Rs.3,08,146/- as terminal benefits and also receiving Rs. 2300/- per month as family pension plus DA. The applicant has not been able to prove his case for appointment on compassionate ground. While considering the case of the applicant, the names of other candidates had also been considered who were waiting for appointment on compassionate ground. Since, those who have got more marks than the applicant were also waiting for compassionate appointment, therefore, the case of the applicant has been rejected. In view of the judgments of Hon'ble Supreme Court, in the case of Ajay Kumar Vs. State of Bihar and Ors, 2000(11)SCC 895, Sanjay Kumar Vs. State of Bihar, 2000(7) SCC 192 and Haryana State Electricity Board Vs. Naresh Tanwar, 1996(8) SCC 23, the applicant has no right for appointment on compassionate grounds.

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4. I heard the learned counsel for the parties and perused the records.

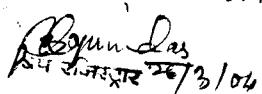
5. The case of the applicant is that the impugned order passed by the respondents is not a speaking and reasoned order and the same is not passed in accordance with the guidelines issued by the DOPT on 9.10.98. I have carefully perused the impugned order passed by the respondents, I find that they have not assigned any reasons which have been taken by the respondents in the reply. On account of their own official memorandum, the case of the applicant has to be considered for 3 consecutive times. Admittedly they have considered the case of the applicant only one time. Though, the applicant has no legal right for appointment on compassionate ground, at least the respondents have to consider the case of the applicant for 3 consecutive period. The impugned order does not speak about the consideration at par with the persons who were waiting for appointment on compassionate ground.

6. I am of the considered view, that the impugned order is not a speaking and detailed order. I quash the dated 23.11.2002 (Annexure-A-3) impugned order and respondents are directed to consider the case of the applicant on compassionate ground in terms of official memorandum dated 9.10.98 and 3.4.2001 by passing a detailed and reasoned order within a period of 3 months from the date of receipt of copy of this order. With the above direction, the OA is disposed of. No costs.


(G. Shanthappa)
Judicial Member

दृष्टिकोण नि अ/व्या
प्रदर्शित करने वाले व्या. दि.....
(1) अधिकारी व्या. दि.....
(2) अधिकारी व्या. दि.....
(3) अधिकारी व्या. दि.....
SKM 
व्या. दि.....
व्या. दि.....

V. Alhaug
Smt. Sharada Iyer


रामेश्वर
26/3/04


T. S. Srinivas
26/3/04