

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 750 of 2003

Jabalpur, this the 24th day of June, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Vinod Kalxo, S/o. late Shri Jenius,
Aged about 23 years, H.N. 1386,
Uday Nagar, VFJ Post Office,
Jabalpur (MP).

... Applicant

(By Advocate - Shri Sudhir K. Shrivastava)

V e r s u s

1. Union of India,
through the Secretary,
Ministry of Personnel,
New Delhi.
2. General Manager,
Vehicle Factory Jabalpur. ... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has
sought the following main relief :

"to direct the respondents to reconsider the case of
the applicant and provide him the appointment on
compassionate basis, in the interest of justice."

2. The brief facts of the case are that the applicant is the son of Late Shri Jenius Kalxo, who was working as Civilian Motor Driver in Vehicle Factory, Jabalpur. Late Shri Jenius Kalxo died while in service on 3.7.2002. The father of the applicant left behind five members in his family, no one of whom is earning. The applicant has two unmarried sisters, widow mother one unemployed brother. The financial condition of the applicant has become miserable and they have virtually become hand to mouth after the death of the deceased Government servant. One of the two



sisters Miss Preeti, 26 years is suffering from Epileptic disease. The mother of the applicant is getting a very small amount as pension and therefore she preferred an application for appointment on compassionate ground to one of her family member, so that she may have something for their livelihood. The applicant is Xth pass. The candidature of the applicant was considered and his claim was rejected by the order of Sr. General Manager issued through the Asstt. Works Manager on 9.7.2003. The applicant submits that while rejecting his claim facts have been wrongly considered. Numbers of dependents of deceased have also not been taken into consideration. As per the policy, while considering the case for appointment on compassionate basis, certain factors like pension, terminal benefits, other source of income, property, number of dependents, number of unmarried daughters, numbers of minor sons/daughters have to be considered. Details of the family was already submitted by the widow of the deceased Government servant. The rejection letter specifically contemplates that the rejection was made only on consideration of 4 point i.e. the widow of the deceased is getting pension of Rs. 2625/-, total funds received Rs. 3,31,442/-, no minor sons/daughter of deceased and the family has owned house. It has not been considered that there are two unmarried daughters in the family of the deceased. The number of members of the family of the applicant has also not been taken into consideration. There are five dependents in the family of the deceased Govt. servant. This fact has wrongly been considered by the respondent that the applicant and his family has no owned house. Therefore, the decisions taken by is on incorrect and insufficient facts and the same deserves to be quashed in the interest of justice.



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

4. It is argued on behalf of the applicant that the applicant has two unmarried sisters. This fact is not denied by the respondents. Secondly the applicant does not own any own house as he is residing in a rental house. This fact is wrongly considered by the respondents. The applicant is a qualified person. Hence he is eligible for the appointment on compassionate ground.

5. In reply the learned counsel for the respondents argued that the fact of two unmarried daughters is considered and the applicant also owns his own house. Regarding the contention of the applicant that his family owns no house, it is stated that spot enquiry was made by the Labour Welfare Commissioner of the Factory, who was informed by the family that deceased owns a Kachha tiled house of two rooms. Board of officers while considering the case, assessed value of the house between Rs. 50,000/- to Rs. 1 Lac and awarded point accordingly. He further argued that the respondents are constrained to restrict the appointment on compassionate grounds only to the stipulated quota of 5% of the total vacancies arising for direct recruitment in Group-C and Group-D posts in a year as contained in the existing scheme on the subject. Due to above restriction, only few vacancies are available for appointment on compassionate grounds whereas number of cases with higher merit are considerably large. Therefore, only most deserving cases out of the total lot considered are offered appointment under the scheme on availability of vacancy.

6. After hearing the learned counsel for the parties, we find that the fact about two unmarried sisters of the



applicant is not denied in the reply. We perused Annexure A-1 in which it is mentioned that there is no minor son or daughter in the family. But it is also mentioned in the said order that appointment on compassionate ground is made after taking into account points on number of unmarried daughters and minor son/daughter. The applicant's two sisters are unmarried. We have perused the original record filed by the respondents in which it is mentioned that the family owned the house of two rooms which is a kachha tiled one. To support this claim of the respondents they have not shown or filed any documentary evidence. In the original record it is also mentioned that there two daughters of the deceased Government servant but it is not very clearly mentioned that whether they are married or unmarried while the applicant states that his sisters are unmarried and he does not own any own house.

7. Hence considering the aforesaid facts and circumstances of the case, we deem it appropriate to direct the respondents to reconsider the case of the applicant for appointment on compassionate ground within a period of four months from the date of receipt of copy of this order. We do so accordingly. Thus the Original Application is disposed of. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

"SA"

पृष्ठांकन से ओ/न्या..... जबलपुर, दि.....
यतिलिपि अबे/न्या:-

(1) संविल, उच्च व्यापारिय वाद प्रतिवादी, जबलपुर
(2) आवेदक श्री/श्रीजयी/कु....., के काउंसल Suchirka. Bhinab
(3) प्रद्युम्नी श्री/श्रीजयी/कु....., के काउंसल P. Bhinab
(4) व्यापारि, एप्रा., जबलपुर न्यायालय
सुन्ना एवं आवश्यक कार्यवाही के
राजनीति

राजनीति
25/4/04

Issued
On 25/6/04
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