

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.766/03

Jabalpur this the 30th July, 2004.

C O R A M

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

Smt.Chhoti Bai
W/o Late Yamuna Prasad Choudhary
R/o House No.1273, New Basti
Kanch-Ghat, Jabalpur(MP)

Applicant

(By advocate Shri N.K.Gupta)

Versus

1. Union of India through
Ministry of Defence
New Delhi.

2. Senior General Manager
Ordnance Factory Vehicle
Jabalpur.

Respondents

(By advocate Shri P.Shankaran)

O R D E R (oral)

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following reliefs:

(i) To direct the respondents to consider the case of the applicant for appointment on compassionate ground sympathetically.

2. The brief facts of the case are as follows:

The applicant's husband late Yamuna Prasad Choudhary was a permanent employee of Vehicle Factory, Jabalpur on the post of Auto Fitter. He was a patient of cancer and he expired on 22.6.2001 at Marbal City Hospital, Jabalpur. After his death, the applicant moved an application for compassionate appointment of her son Rajendra Prasad, aged about 23 years, having passed 12th class, but this application was not considered and was rejected. Another representation was sent to the Management on 9.7.02 (A-4) and then a registered letter on 25.8.03 (A-5) but all these

~~not being~~ considered, a legal notice was sent on 16.9.03 by the counsel of the applicant but no response was given. The action of the respondents is arbitrary ~~and illegal~~. The applicant belongs to SC community and according to government policy her case should have been considered in a sympathetic way. Applicant has a big family of 12 members and there is no earning member in her family. The applicant submitted her application in respect of her son for compassionate appointment and her family is in a critical position. Hence the OA is filed.

3. Heard learned counsel for both sides. It is argued on behalf of the applicant that the applicant's husband while serving in the office of the respondents expired due to cancer. He had been under treatment for a long period and the applicant had to spend a huge amount towards treatment. He left behind a big family of 12 members and there is no earning member. Applicant moved applications several times for compassionate appointment of her son of 23 years of age and who is eligible having passed 12th standard. The applicant's family is facing acute financial crisis. The respondents have not considered the due claim of the applicant and rather the applicant was informed vide letter dated 20.3.2002 Annexure A3 that on the basis of priority her son was not found eligible and hence no employment was possible under compassionate grounds. This order is absolutely illegal and unjustified.

4. In reply, it is argued on behalf of the respondents that a large number of cases are being referred for appointment on compassionate grounds but the vacancies available for such appointment are limited to only 5% of



total posts available under direct recruitment quota. Therefore, competent authority is constrained to restrict the appointment only to ~~cases~~ deserving cases which are in need of urgent and immediate employment assistance for its survival. Cases are being considered purely on merit and the candidates who score more number of marks allotted on various attributes are offered appointment against available vacancies. Other ineligible cases are being regretted. The applicant's son could not secure the required marks hence his case could not be considered in his favour. The applicant was duly informed by A-3 letter dated 20.3.2002.

5. After hearing learned counsel for both parties and carefully perusing the records, we find that the applicant's husband was suffering from cancer and ultimately he died during his service in the department, on 22.6.2001. The death certificate is marked as Annexure A1. The family of the applicant is very large and the applicant's son is 12th class passed and has attained majority. Though vacancies are very limited, according to the arguments advanced on behalf of the respondents, but the case of the applicant also seems to be genuine one to be considered.

6. Hence considering all facts and circumstances of the case, we quash and set aside the order dated 20.3.2002 and the respondents are directed to consider the case of the applicant's son for appointment on compassionate grounds within a period of three months from the date of receipt of a copy of this order.

(Madan Mohan)
Judicial Member

as.

(M.P.Singh)
Vice Chairman

पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि आवेदितः—
(1) सहित, उच्च न्यायालय घर एवं निर्देशन, जबलपुर
(2) आवेदक श्री/श्रीमती/इ.कु.....के काउंसल
(3) प्रस्तारी श्री/श्रीमती/इ.कु.....के काउंसल
(4) यायालय, देहरादून, जबलपुर न्यायालय
सूचना एवं आवश्यक गार्फाही हेतु

Shri N.K. Gupta, M.C.A.B
Shri P. Shah, C.A.L.A. M.C.A.B

गोप्य
गोप्य

प्रधान निर्देशन
प्रधान निर्देशन