

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.768/03

Jabalpur, this the 23rd day of August 2004.

CORAM: Hon'ble Mr.Madan Mohan, Judicial Member

1. Smt.Vidya Singh
S/o Late Shri S.K.Singh
R/o H.No.1408/6, Raksha Colony
Ranjhi, Jabalpur.

2. Akhilesh Singh
S/o Shri S.K.Singh
R/o H.No.1408/6
Raksha Colony, Ranjhi
Jabalpur.

Applicants

(By advocate Jr.to Shri G.P.Singh)

Versus

1. Union of India
Ministry of Human Resources Development
through its Secretary
New Delhi.

2. Kendriya Vidyalaya Sangathan
Headquarters through its
Commissioner, 18, Institutional Area
Shaheed Jeet Singh Marg,
New Delhi.

3. Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, GCF Estate
Central School No.1, GCF Campus
Jabalpur.

4. Principal
Kendriya Vidyalaya No.1
GCF Estate
Jabalpur.

Respondents

(By advocate Jr.Shri M.K.Verma)

O R D E R (oral)

By Madan Mohan, Judicial Member

By filing this OA, the applicant have claimed the following
main reliefs:

- (i) To quash the order dated 12.6.02 passed by respondent No.2.
- (ii) Direct the respondents to grant compassionate appointment to applicant No.2 and pay him regular salary with allied benefits.

2. The brief facts of the case are that the husband of the applicant No.1 was working as Vice Principal, Kendriya Vidyalaya No.1, GCF, Jabalpur and he died on 13th January 1999 while in service, leaving behind his widow, four sons and three daughters. The eldest son Rakesh Singh is mentally retarded and therefore, he was not fit for job. Whatever retiral dues received from the department had been expended in the marriage of Mahima Singh, the daughter of the deceased. Applicant No.1 requested to the respondents for granting compassionate appointment to applicant No.2. Within the stipulated period an application for compassionate appointment along with required formalities was submitted before respondent No.3 through proper channel. Feeling aggrieved by the inaction of the authorities, on 18.2.2000, applicant No.2 sent a reminder to respondent No.2 (Annexure A3), but no action was taken by the authorities. The applicant also filed an earlier OA No.201/02 which was disposed of by the Tribunal vide order dated 10.5.02 (Annexure A4) directing the respondents to take a decision on the pending application of the applicants for compassionate appointment. However, the prayer of the applicant was rejected vide order dated 12.6.02 (Annexure A5). Hence this OA is filed.

3. Heard the learned counsel for both parties. It is argued on behalf of the applicants that the husband of the applicant No.1 and father of applicant No.2 Shri S.K.Singh died on 13.1.99 while serving under the respondents. He left behind a large family. His eldest son is mentally retarded and, therefore, not fit for any job. Applicant No.2 is duly qualified, having passed B.A and B.Ed and is the only person to do job. The amount of retiral benefits received was expended on the marriage of the deceased's daughter on 23.11.2000. The applicant sent a representation to the respondents for appointment on compassionate ground, of her son, but it was not considered. Hence the applicant filed

OR

an earlier OA also but the respondents rejected the representation of the applicant vide order dated 12.6.02 (Annexure A5) without considering the facts and circumstances of the case.

4. In reply, the learned counsel for the respondents argued that the applicants are not facing any financial crisis and the appointment on compassionate ground is not matter of right. Sufficient financial assistance was available to the widow to maintain the family after the death of her husband. The request of the applicants was duly considered by the respondents and the applicant No.2 was not found fit and it was rejected vide order dated 12.6.02 (A-5) and further argued that applicant No.2 is working as Teacher in Gyanodaya Vidya Mandir, Jabalpur and our attention is drawn towards a letter dated 23.1.99 (Annexure RA-I. Hence this OA deserves to be dismissed.

5. After hearing the learned counsel for both parties and carefully perusing the records, I find that the deceased employee Shri S.K.Singh had left behind 4 sons and 3 daughters and his widow - applicant No.1. The eldest son is said to be mentally retarded. Kamlesh Singh and Akhilesh Singh, the sons of the deceased employee are not doing any job and they have also not applied for employment assistance on compassionate ground. only the applicant No.2 who has passed B.A and B.Ed. has applied for compassionate appointment. So far as the letter of Gyanodaya Vidya Mandir dated 23.1.99(Annexure RA-1), the applicant No.2 had worked upto 23.1.99 only and he was being paid Rs.400/- per month only. He is not serving in that institution now and the family of the applicants is facing acute financial crisis. The applicants have no immovable property and the amount of family pension is not sufficient to maintain the family. I have perused the impugned order dated 12.6.02 also.

6. Considering the facts and circumstances of the case, the impugned order dated 12.6.02 (Annexure A5) is quashed and set aside and the applicant No.2 is directed to move a fresh application for compassionate appointment, mentioning all the details and with requisite documents, within a period of one month from today and if he complies with this, then the respondents are directed to consider his case within three months from the date of receipt of such representation, strictly in accordance with rules.

(Madan Mohan)
Judicial Member

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पृष्ठांकन सं. ओ/न्या..... जलपुर, दि.....
प्रतिनिधि अलोड़ितः—
(1) सहित, उच्च व्यायालय तात्पर एमीसारज, जलपुर
(2) अदेशक श्री/श्रीमती/कु..... तो काउंसल
(3) परिधी श्री/श्रीमती/कु..... के काउंसल] E.P. Singh
(4) व्यापाल, टोपा. जलपुर नामदीड
सूचना एवं आवश्यक कार्यवाही देसु] M.K. Verma
[उपर्युक्त दोषों का उल्लेख करना चाहिए]

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