

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 824 of 2003

Jabalpur, this the 13th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman

Vijendra Singh, S/o Shri
Virendra Singh, aged
about 20 years, r/o 307,
Chhoti Omti, Jabalpur.

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India
through Secretary
Ministry of Defence,
Indian Ordnance
Factories, New Delhi.

2. Chairman
Ordnance Factories Board,
10, Auckland Road,
Calcutta.

3. General Manager
Ordnance Factory
Khamariya,
Jabalpur

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

ORDER

None for the applicant. Since it is an old matter of the year 2003, I dispose of this OA by invoking the provisions of Rule 15 of CAT(Procedure) Rules, 1987.

2. By filing this OA, the applicant has sought the following main relief :-

"I. It is, therefore, prayed that the impugned order dated 13.12.2002, Annexure A/5, above passed by the respondent No.3 be quashed and the respondents be directed to consider the case of the applicant for being appointed on any appropriate post on compassionate grounds".

3. The brief facts of the case are that the applicant's father Shri Virendra Singh was employed as Danger S.K. in Ordnance Factory Khamaria, Jabalpur. He died in harness

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on 24.5.2001. After the death of his father the mother of the applicant had applied to respondent No.3 for appointment of her son on compassionate grounds. The respondents have considered the application of the mother of the applicant and rejected the same. Hence, he has filed this DA.

4. Heard the learned counsel for the respondents and perused the records.

5. The respondents in their reply have stated that the father of the applicant who was employed by the respondents as DBW had expired on 24.5.2001 while in service. After the death of the deceased Govt. servant, his wife Smt. Puahpa Bai had given an application for providing employment on compassionate grounds to the applicant. The case of the applicant was considered by the competent authority for appointment on compassionate grounds in accordance with the DOPT's instructions. He was given marks for all attributes. The applicant could secure only 69 marks out of 100. The score sheets prepared in accordance with the existing DOPT instructions are as under :-

Various Parameters	Total Points Based on 100 points	Points by the applicant
(a) Family Pension Rs.1325/- (excluding DA & Allowances)	20	18
(b) Terminal benefits (i) DCRG Rs.1,17,439.00 (ii) CGEGIS Rs. 38,097.00 (iii)Leave Encashment - Nil	10	07
	Total Rs. 1,55,536.00	
(c) Monthly income of earning members and income from property	05	05
(d) Moveable/immovable property	10	10
(e) No. of dependants (Three)	15	15
(f) No. of unmarried Daughters (one)	15	05
(g) No. of minor children(One)	15	05
(h) Left over service of the Govt servant(9 years.8 months)	10	04
	100	69

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According to the respondents, the case for appointment on compassionate grounds was considered on merit and rejected keeping in view the ceiling of 5 percent of the vacancies falling under direct recruitment quota for appointment on compassionate grounds. Since, the applicant could secure less marks and due to availability of less number of vacancies he could not be considered and accordingly he was informed vide letter dated 13.12.2002. According to them, even the candidates who secured higher marks i.e. 70 to 93 could also not be considered for appointment on compassionate grounds. Hence, the case of the applicant cannot be reopened because there was no new grounds for appointment on compassionate grounds. In view of this, the OA is liable to be dismissed.

6. We have considered the submissions of the learned counsel for the respondents.

7. As per the policy framed by the Ministry of Defence Government of India vide letter No. 10/9(4)/824-99/1998-D(Lab) dated 9.3.2001 and by the Army Headquarters vide letter No. 93669/Policy/OS-SC(I) dated 30.7.1999 as referred to in the reply to OA No.22/04 the requests for appointment on compassionate grounds is to be considered by three consecutive Boards. In this case we find that the case of the applicant has been considered only once and it has not been considered in accordance with the aforesaid policy by three consecutive boards.

8. In the result the impugned order dated 13.12.2002 is quashed and set aside. The respondents are directed to consider the case of the applicant for appointment on compassionate grounds in accordance with the above policy within a period of three months from the date of communication of this order. The OA is accordingly disposed of. No costs.


(M.P. Singh)
Vice Chairman