

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 831 of 2003

Jabalpur, this the 27th day of August, 2004

Hon'ble Shri Madan Mohan, Judicial Member

Ku. Chhaya, D/o. Smt. Kala Bai,  
aged about 26 years, Occupation  
Nil, R/o. Near Railway Station,  
Jabalpur (MP).

... Applicant

(By Advocate - None)

V e r s u s

1. The Union of India, through  
its Secretary, Ministry of  
Defence, New Delhi.
2. The Director General of Medical  
Services (Army) Adjutant Generals  
Branch, Army Head Quarters, L  
Block, New Delhi.
3. Military Hospital,  
Jabalpur (MP). ... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R (Oral)

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

"(I) the respondents may kindly be directed to  
consider the case of the applicant for compassionate  
appointment in view of circular and the respondents  
further be directed to pass reasoned order after  
giving full opportunity to put her case and after  
conducting full enquiry in this respect and there-  
after provide a suitable post to the applicant."

2. The brief facts of the case are that the mother of  
the applicant Smt. Kala Bai was working as Ward Assistant  
under the control of respondent No. 3. The mother of the  
applicant took voluntary retirement because of her illness  
on 29.2.1996. The applicant who is daughter of the medica-  
lly boarded out employee Smt. Kala Bai is fully dependent  
on her income. The applicant studied upto VIIIth class and  
her mother has given a no objection certificate in her

favour for claiming appointment on compassionate ground. Therefore, the applicant made an application for providing her appointment on compassionate ground in place of her mother. The respondents demanded certain informations which she had furnished. Again the respondents demanded certain other informations vide letter dated 22.6.2000. Then on 26.4.2001 the respondents informed the applicant that her name could not be considered for compassionate appointment as her name appeared in Sr. No. 82 of the merit list. Thereafter vide letter dated 16.8.2001 the applicant has been informed by the respondent No. 2 that the selection board has considered the application of the applicant along with other similarly situated applicant but as per the available post for compassionate appointment, the name of the applicant could not be considered as her name appeared in Sr. No. 82 in the merit list, whereas only 23 posts were available. These orders are passed in a cyclostyle manner. No proper consideration is given by the respondents while passing these orders. Hence, this Original Application.


3. None is present for the applicant. Since it is an old case of 2003, I proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. The learned counsel for the respondents argued that the case of the applicant was considered for three times by the three consecutive boards. Firstly in the March, 2000 secondly in January, 2001 and finally in April, 2002. All these three times the applicant could not secure the qualifying marks. Hence, her application for appointment on compassionate ground could not be considered. The version



of the applicant in the OA that the respondents did not considered her case properly is apparently wrong. Her case was duly considered by the competent authority and marks were allotted to her after considering all the facts and circumstances of the case of the applicant. She was also informed about the decision taken by the competent authority by three different letters which the applicant herself has also admitted. There are only two members in the family of the applicant i.e. the applicant herself and her mother who is said to be medically boarded out. The applicant's mother is also getting monthly pension. Hence, there is no hardship faced by the applicant to maintain her family.

5. After hearing the learned counsel for the respondents and on careful perusal of the records and pleadings, I find that as per the Government policy only a ceiling of 5% of direct recruitment quota posts are available for appointment on compassionate grounds. The respondents have considered the case of the applicant for three consecutive times as is mentioned in paragraph 4, 5 and 6 of the reply. These were in March, 2000, January, 2001 and April, 2002. The concerned Board constituted for this purpose did not find the applicant eligible for appointment on compassionate ground and the respondents are also paying family pension to the mother of the applicant. I also find that there are only two members in the applicant's family i.e. the applicant herself and her mother. The respondents have informed the applicant about every decision taken by the Board from time to time. I also find that no illegality or irregularity has been committed by the respondents while considering the case of the applicant and rejecting the same.



6. In view of the aforesaid, I am of the opinion that the applicant has failed to prove his case and the Original Application is liable to be dismissed as having no merits. Accordingly, the Original Application is dismissed. No costs.



(Madan Mohan)  
Judicial Member

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पत्तिलिपि अर्जोहित:-

- (1) सचिव, उच्च न्यायालय वर एसेकुरेशन, जबलपुर
- (2) आदेशक श्री/श्रीमती/कु.....के काउंसल Manoj k. Sanghi
- (3) प्रत्यर्था श्री/श्रीमती/कु.....के काउंसल P. Shankar
- (4) बांधपाल, के.ए.अ., जबलपुर न्यायाधीश  
सूचना एवं आवश्यक कार्यवाही हेतु

"SA"

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