

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 842 of 2003

Jabalpur, this the 11th day of August, 2004

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

Smt. Pushpa Dubey, W/o. Late Shri
K.C. Dubey, aged about 35 years, R/o.
Gali No. 5, Neta Colony, Behind Milk
Scheme, Adhartal, Jabalpur M.P. ... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, through its
Secretary, Ministry of Defence,
New Delhi.
2. Senior General Manager,
Vehicle Factory, Jabalpur, M.P.
3. Joint General Manager,
Administrative Vehicle Factory,
Jabalpur. ... Respondents

(By Advocate - Shri S.A. Dharmadhikari) *

O R D E R (ORAL)

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.

2. By filing this Original Application the applicant has claimed the following main reliefs :

- i. to set aside the order dated 12.3.2002 (Annexure A-3) in the interest of justice,
- ii. to direct the respondent to consider the claim of the applicant and further may kindly be directed to give appointment on compassionate grounds to the younger son of the applicant namely Anupam Dubey."

3. The brief facts of the case are that the husband of the applicant was working as Lower Division Clerk under respondent No. 2 i.e. Vehicle Factory, Jabalpur. He died

in harness on 19.8.2001. After the death of the deceased Government servant the applicant submitted an application for grant of compassionate appointment to her younger son. The case was considered by the committee of officers as per norms prescribed by the Government to consider such cases. The case of the applicant was not found suitable as he secured only 43 points out of 100 points and also due to non-availability of vacancies. As per the Ministry of Defence, Government of India letter No. 10/9(4)/824-99/1998-D(Lab), dated 9.3.2001 and by the Army Headquarters letter No. 93669/Policy/OS-SC(I), dated 30.7.1999, referred to in the reply to OA No. 22/04, the cases of compassionate appointment is required to be considered by the Board of Officers three times consecutively. In this case the respondents have not followed ^{these instructions} and considered the case of the applicant as provided in the letters issued by the Ministry of Defence and Army Headquarters. Moreover, the order issued by the respondents dated 12.3.2002 (Annexure A-3) rejecting the claim of the applicant for compassionate appointment is a non-speaking order. The respondents have not given any reason for rejecting the claim of the applicant.

4. Since the case of the applicant has not been considered strictly in accordance with the policy framed by the Ministry of Defence and Army Headquarters, referred to above, I quash and set aside the impugned order dated 12.3.2002 (Annexure A-3) and direct the respondents to re-consider the case of the applicant strictly in accordance with the rules and policy framed by the Ministry of Defence and Army Headquarters, within a period of three months from the date of receipt of a copy of this order.



5. Accordingly, the Original Application stands disposed of. No costs.

M.P. Singh
(M.P. Singh)
Vice Chairman

"SA"

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

पतिलिपि अद्यो धित:-

(1) एडिशन, न्यायालय दार एडिशन, जबलपुर

(2) आवेदन सी/सीमती/कु.....के कार्सल *A S Dubey*

(3) एडिशन सी/सीमती/कु.....के कार्सल *SA Dharmachandra*

(4) जजपत्र, के.प.अ., जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यवाही हेतु

M.P. Singh
16-8-04
उप रजिस्ट्रार

*Issued
On 16-8-04
BS*