

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 874 of 2003

Jabalpur, this the 24th day of August, 2004

Hon'ble Shri Madan Mohan, Judicial Member

Smt. Umila Modi, W/o. Late Shri
R.K. Modi, aged about 45 years,
R/o. Type-III/IV S.P.M. Colony,
Hoshangabad (MP), Pin Code 461 005.

... Applicant

(By Advocate - Shri G.P. Kekre)

V e r s u s

1. Union of India, Through
Ministry of Finance, Department
of Economic Affairs, Currency and
Coinage, New Delhi.
2. The General Manager,
Security Paper Mills,
Hoshangabad (MP).
3. The Manager, Labaour Affairs &
Office-in-Charge, Security Paper
Mills, Hoshangabad.
4. Factory Superintendent,
Security Paper Mills,
Hoshangabad (MP).

... Respondents

(By Advocate - Shri S. Akthar on behalf of Shri B.da.Silva)

O R D E R (Oral)

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

*ii) issue a writ in the nature of certiorari
quashing the impugned order dated 25.3.2003 Annexure
A-1 to the extent it stipulates consideration of the
case of the applicant on compassionate ground as per
the seniority.

iii) issue an appropriate writ directing the
respondents to appoint the applicant on compassionate
grounds on a suitable post as per her qualification
in the interest of justice.

iv) to issue a writ in the nature of certiorari
quashing the impugned order dated 2.9.2003, Annexure
A-2 in the interest of justice.

v) to direct the respondents to permit the
applicant and her family to continue in her official
accommodation, Type III/IV, SPM Colony, Hoshangabad,
MP till such time an alternative arrangement is made
by the applicant to meet the end of justice.



2. The brief facts of the OA are that Shri Rajesh Kumar Modi was serving in the Department of the respondents, died in harness on 15.12.2001. He left behind him his widow and 3 children i.e. two sons and one daughter, who are still studying and are not settled anywhere. The elder son who is 23 years old is doing Hotel Management in Pune. The daughter of the deceased is aged about 20 years is also studying in 3rd year in Agricultural College, Jabalpur and is residing in the hostel. The youngest son is studying in 1st year at Engineering College at Bhopal. The applicant has completed 45 years of age. She moved an application for appointment on compassionate ground but it was not considered. She is well deserving to be appointed on the ground of her family circumstances. The applicant is also well qualified and can be appointed on a suitable post but the respondents have not considered her case and hence this OA is filed.

3. Heard the learned counsel for the parties and perused the records carefully.

4. The learned counsel for the respondents argued that the relief No. 4 and 5 is apart from the prayer of the applicant for appointment on compassionate ground. In its reply the learned counsel for the applicant argued that these reliefs Nos. 4 and 5 are deleted on the very first day when the notices were issued on 22.12.2003. Hence, now the only relief is to grant compassionate appointment to the applicant.

5. The learned counsel for the applicant further argued that the deceased Government servant was an employee of the respondents and who left behind him his widow, two sons and one daughter. All the three children are studying



for higher education which are quite expensive. The daughter of the deceased Government servant is unmarried. The application of the applicant for compassionate appointment is still pending in the office of the respondents. It is not decided finally, as is evident from Annexure A-1 25.3.2003 which is against the law. The applicant is legally entitled for appointment on compassionate ground and her case should be decided at a very short date and no further delay should be made.

6. In reply the learned counsel for the respondents argued that so many applications are pending with the respondents for appointment on compassionate ground as is shown in Annexure R-I. The respondents are considering all the applications strictly in accordance with the rules. The application of the applicant is entered in the relevant register and according to her serial number her case shall be considered. All the dues available to the deceased Government servant has been paid to the applicant.

7. After hearing the learned counsel for the parties and on careful perusal of the records, I find that the respondents have not decided the application of the applicant for appointment on compassionate ground as is evident from letter dated 25.3.2003 (Annexure A-1). This action of the respondents is not proper. The respondents have discretion and right to decide the application of the applicant in either way according to the rules but in this particular case the respondents have delayed the matter in disposing of such urgent applications.

8. After considering this fact that the three children of the deceased employee are studying for higher education and out of them the daughter of the deceased Government



servant is unmarried and the applicant has moved an application to the respondents for appointment on compassionate ground, ends of justice would be met if I direct the applicant to move a fresh representation to the respondents seeking her claim for appointment on compassionate ground and also giving the details alongwith the relevant documents of her educational qualification and experience etc. within a period of 15 days from the date of receipt of a copy of this order. I do so accordingly. If the applicant complies with this order, then the respondents are directed to consider the case of the applicant and decide her representation strictly in accordance with the rules within a period of three months from the date of receipt of such representation.

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

(Madan Mohan)
Judicial Member

"SA"

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
पत्रिलिपि अवेधित -

- (1) सचिव, उच्च न्यायालय तथा एडमिनिस्ट्रेशन, जबलपुर
- (2) अध्यक्ष श्री/श्रीमती, उच्च न्यायालय के कार्डसल *CP Kekre*
- (3) प्रवक्ता श्री/श्रीमती/पु. उच्च न्यायालय के कार्डसल *B. Dambra*
- (4) जजलपुत्र, 26/8/04, जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु *26-8-04*
उप रजिस्ट्रार

Issued
On 26.8.04
BS