

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 878 of 2003

Jabalpur, this the 18th day of October, 2004

Hon'ble Shri Madan Mohan, Judicial Member

1. Smt. Usha Saxena, (50 yrs)
W/o. Late Shri Govind Narayan
Saxena,
2. Nischal Saxena, aged about 25 years,
W/o. Late Shri Govind Narayan Saxena,
All R/o. Q. No. 3187, Type-3,
VFJ Estate Sector, 1, Jabalpur (MP). .. Applicants

(By Advocate - None)

V e r s u s

1. Union of India, through
Chairman, Ordnance Factory
Board, Calcutta.
2. The General Manager,
Vehicle Factory, Jabalpur (MP). .. Respondents

(By Advocate - Shri K.N. Pethia)

O R D E R (Oral)

By filing this Original Application the applicants
have claimed the following main reliefs :

"8.1 That it is prayed before this Hon'ble Court
may kindly be provide job on the account of
compassionate basis,

8.2 That, amy kindly be quash respondant reject-
ion letter A/3 and give direction to respondant for
deciding again as a fresh, the matter of the
applicant."

2. None is present for the applicants. 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.

3. The brief facts of the OA are that the applicant No.
1 is the widow of the deceased late Govind Narayan
Saxena and applicant No. 2 is the son. Late Govind
Narayan Saxena was an employee working as a Chargeman



under the respondent No. 2. On 3.10.2002 Govind Narayan Saxena died during the course of employment. After his death the applicant No. 1 has given a representation for providing job to her son i.e. applicant No. 2 on compassionate ground. But it was rejected on the ground that the applicant No. 1 is getting sufficient pension and has also received sufficient amount of settlement dues. The applicants further submitted that the respondents have wrongly mentioned that they possess their own house while the applicants are still living in the factory quarters. The rejection is arbitrary, illegal and unconstitutional. The applicants further submitted that the settlement dues received were spent for the treatment of the deceased Government servant because he was a old cardiac patient. The pension is not sufficient to maintain their family.

4. I find that vide order dated 17.9.2004 the respondents were given 4 weeks time to file the reply and the date of hearing was fixed for today. It was also mentioned that in case no reply is filed within 4 weeks, the respondents will forfeit their right to file the reply and the pleadings will be deemed to be completed and the case will be disposed of on the next date. The respondents have not filed the reply in compliance of the order of the Tribunal.

5. The learned counsel for the respondents argued that the case of the applicant is not considered for 3 times, but the applicants' family is given sufficient amount of terminal benefits amounting to Rs. 5,10,259/- after the death of the deceased employee and the



applicant No. 1 is getting Rs. 3800/- plus DA as monthly pension regularly which is sufficient for the family. There is no liability on the family of the applicants' as there is no unmarried daughter or any minor person. Hence, the OA is liable to be dismissed.

6. After hearing the learned counsel for the respondents and on careful perusal of the pleadings and records, I find that as per the policy laid down 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 letter No. 93669/Policy/OS-SC(I), dated 30.7.1999, the case of compassionate appointment is to be considered by three consecutive Boards. In this case I find that as per the version of the ^{counsel for the} respondents the case of the applicants have not been considered for 3 times. This is not in accordance with the policy laid down by the Army Headquarters and Ministry of Defence.

7. Accordingly, the respondents are directed to re-consider the case of the applicants in accordance with the aforesaid policy of the Army Headquarters and Ministry of Defence, referred to above, within a period of three months from the date of receipt of a copy of this order. Original Application stands disposed of accordingly. No costs.

(Madan Mohan)
Judicial Member

पृष्ठकन सं ओ/सा 4.....जबलपुर, दि.....

पत्तिविधि अचो दित:-

(1) सचिव, उच्च न्यायालय, जबलपुर

(2) आवेदक श्री/श्रीमती/.....के काउंसल

(3) प्रत्यक्षी श्री/श्रीमती/.....के काउंसल

(4) बंधुबान, कोपडा जबलपुर ज्वायन्टीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उपेय रजिस्ट्रार

HR Mohan
KN P. 21/4

Issued
On 20/10/07
BS