

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 904 of 2003

Jabalpur, this the 14<sup>th</sup> day of July 2004

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Ashish Kumar Thakur,  
S/o Late Smt. Shanti Bai Thakur  
R/o 1674 Ram Krishna Colony,  
Bai Ka Bagicha, Jabalpur (M.P.)

APPLICANT

(By Advocate - Shri Rakesh Pandey)

VERSUS

1. Union of India,  
Through the Secretary  
Ministry of Defence,  
South Block, New Delhi.

3. General Manager,  
Gun Carriage Factory,  
Jabalpur, (M.P.)

RESPONDENTS

(By Advocate - Shri K.N. Pethia)

ORDER(Oral)

By Madan Mohan, Judicial Member -

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

" It is, therefore, prayed that this Hon'ble Tribunal be pleased to set aside the order dated 3.3.2003 "Annex-A/6" passed by respondent no.2.

Further direct the respondent no.2, to consider the application of applicant, for compassionate appointment".

2. The facts of the OA are that the mother of applicant was working as unskilled labour in the office of respondent No.2 and died on 22.9.2001 while in service. The deceased left behind a big family consisting of the applicant, two unmarried daughters and one daughter who was divorced and dependent on the deceased. The applicant moved an application dated 31.10.2001 for grant of compassionate appointment because the entire family was on the verge of starvation. The applicant was matric

pass and unemployed. Respondent No.2, without applying mind and considering the application rejected the applicant's application by order dated 3.3.2003 (Annexure A-6).

3. Heard the learned counsel for both parties. It was argued on behalf of the applicant that the applicant was unemployed and the entire family was on the verge of starvation. The amount received by the applicant was not at all sufficient to run a family consisting of four elder members. The order passed by respondent No.2 was without any reason, illegal and bad in law.

4. Learned counsel for the respondents argued that the application submitted by the applicant for employment under compassionate grounds was duly considered by the respondents and he could not get due marks for securing appointment within 5% quota of the limited sanctioned post and as such his case could not be considered as there were applicants in far indigent circumstances.

5. After hearing the learned counsel for both parties and after perusing the records carefully, we find that the applicant has two unmarried sisters and one divorced sister and he is lone adult member in the family after the death of his mother who was serving the respondents' department. The applicant is qualified having higher secondary certificate (Annexure A-3) and the applicant has also produced A-4 employment card.

6. Considering the facts and circumstances, we are of the opinion that the order passed by the respondents Annexure A-6 dated 3.3.03 is liable to be quashed and we do so. The applicant is directed to submit a fresh representation for employment under compassionate grounds within a period of one month from today and if the applicant complies with



the said direction, the respondents shall consider the representation of the applicant within a period of three months according to rules.

The OA is disposed of as above.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

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पृष्ठांकन से ओ/व्या....., जबलपुर, दि.....  
प्रतिनिधि दायरे दिन:—  
(1) सनिधि उच्च वकालती दायरे दिव्याधिकार, जबलपुर  
(2) अधिकारी/वकालती.....के काउंसल Rakesh Patel  
(3) प्राप्ति वकालती.....के काउंसल KN Pathak  
(4) वादाधारी दायरे दिव्याधिकार, जबलपुर  
संस्करण द्वाया वादाधारी कार्यालय हैतु   
उप रजिस्ट्रार

Issued  
On 6.8.04  
Rakesh Patel