

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 906 of 2003

Jabalpur, this the 30th day of December, 2003.

Hon'ble Mr. G. Shanthappa, Judicial Member

Rajendra Vishwakarma,
Son of Ramdes Vishwakarma,
Aged 32 years, occupation-
Unemployeeed, R/o Patel Nagar,
Maharajpur, Adhartal, Jabalpur(M.P.)

APPLICANT

(By Advocate - Ashish Pathak)

VERSUS

1. The Union of India,
Through it's Secretary,
Ministry of Defence Production,
Secretariate, New Delhi.
2. The Ordnance Factory Board,
Through its Chairman,
13-A, Auckland Road,
Kolkatta- 700 001
3. The General Manager,
Vehicle Factory,
Jabalpur(M.P.)

RESPONDENTS

(By Advocate - Shri P. Shankaran standing counsel of UOI)

O R D E R (ORAL)

The above application is filed by the applicant seeking the relief for a direction to the respondents to consider the case of the applicant for grant of compassionate appointment.

2. The brief facts of the case are that the father of the applicant was working as skilled employee, he met with the accident while he was working under the 3rd respondent. Due to the accident he suffered permanent physically disability to his body. to that effect he has produced the medical certificates as per Annexure-A-3 to Annexure A-11 due to his medical permanent physical disability the have passed the order dated 30.3.2003 declaring that the Principal Medical Officer incharge Vehicle Factory Hospital Jabalpur has issued a letter dated 30.3.2003 declaring that the father of the applicant

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is suffering from " Poly Trauma(Accident on duty)" and permanently incapacitated from any kind of service in Defence Civilian Establishment vide Annexure-A-12.

On the basis of the said medical reports, the second respondent has issued an order stating that all the documents submitted are returned by not approving the case of the applicant vide Annexure-A-14.

3. The father of the applicant has approached the respondents for grant of compensation on account of the permanent physical disability occurred while working in the factory. Accordingly the respondents have granted the compensation of Rs. 2,49,400/- in addition to Rs. 99,829/- under the memorandum of agreement into between father of the applicant and respondent No.3. The said compensation has been granted due to 100% disability.

The learned counsel for the applicant submits that the ~~father~~ ^{of} applicant had received the said compensation under the ~~agreement~~ ^{ag.} dated 27.9.2001 vide Annexure-A-18.

4. Heard the learned counsel for the applicant and respondents and carefully perused the record.

5. The applicant has ~~studied~~ ^{up to 12th standard and} passed the ITI examination and he has also obtained Heavy Motor Vehicle Driving license. The grievance of the applicant is that due to ^{said} ~~medical~~ ^{ag.} disability of his father, there is no breadwinner of his family, it is very difficult to maintain the family on the compensation amount given by the respondents. Accordingly he has submitted the representations for appointment on compensation ground due to permanent physical disability ^{of} ~~ag.~~ his father. To that effect the applicant has submitted representations dated 8.11.02(Annexure-A-26), 30.6.03 (Annexure-A-25) and 16.9.2003(Annexure-A-24). In the said representations the applicant has requested the respondents for appointment on compensation ground, the said

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representations are still pending with the respondents, and
no action has been taken. Hence, he has
approached this Tribunal.

6. After hearing sometime, I clarified with the standing counsel for the respondents regarding appointment on compensation ground, ^{the eligibility of} ~~the employees who are medically~~ board out while ^{they were} ~~they~~ working in the factory. The learned counsel for the respondents submits that there are instructions for appointment on compensation ground, those who medically unfit while they were working in the factory.

7. Without expressing any opinion on merits, it is just, proper and necessary to direct the respondents to consider the case of the applicant for appointment on compassionate ground on the basis all the representations at Annexure-A-24, Annexure-A-25 and Annexure-A-26. If the applicant is eligible for appointment on compassionate ground in accordance with Rules and Regulation, ^{the} ~~3rd~~ respondent is directed to consider the case of the applicant for appointment on compassionate ground and pass an appropriate, reasoned and speaking order in accordance with the instructions regarding appointment on compassionate ground. The said direction shall be complied with a period of 2 months from the date of ^{the} receipt of this order. Accordingly the OA is disposed of in terms of the orders mentioned above. No costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

पूर्णांकन सं. ओ/व्या..... जवलपुर, दि.....
प्रतिलिपि अर्थात्:-

- (1) संस्थिय, उच्च व्यापारात्मक व्यापार वाद, राज्यपुर
- (2) आवेदक श्री/महिला/कु..... का काउंसल
- (3) प्रत्यार्थी श्री/महिला/कु..... का काउंसल
- (4) कांगड़ा, राज्यपुर, राज्यपुर

मुद्रना एवं आवश्यक काम के लिए

A. Pathak, Adv.
P. Shankarao, Adv.

Chiranjeevi
उप सचिव

SKM

*Issued
the
6/6/04*