

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 246 of 2001

Jabalpur, this the 6th day of April, 2004

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

Mahadeo Sharma, S/o. Late Shri  
Shriram Sharma, aged about 22 years,  
C/o. Shri Ramesh Chandra Yadav,  
Near Big Hanuman Mandir, P.O. Bilhari,  
Mandla Road, Jabalpur (MP).

... Applicant

(By Advocate - Shri V. Tripathi on behalf of Shri S. Paul

V e r s u s

1. Union of India,  
through its Secretary,  
Ministry of Defence,  
New Delhi.
2. Director General, Corp of  
Signal, Army Headquarters,  
New Delhi.
3. Commanding Officer,  
1, Military Training Regiment,  
1, Signal Training Centre,  
Jabalpur (M.P.).

... Respondent

(By Advocate - Shri P. Shankaran)

O R D E R (Oral)

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

"(ii) set aside the impugned order dated 21st  
July, 1999 Annexure A-1;

(iii) direct the respondents to consider the case  
of the applicant for giving him compassionate  
appointment and; accordingly appoint him forthwith."

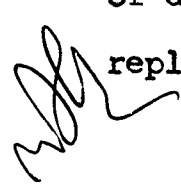
2. The brief facts of the case are that the father of  
the applicant was working in the Ministry of Defence as  
a cook. He died in harness on 5th October, 1996. His wife  
has submitted an application to the respondents for  
appointment of her son on compassionate ground on 22nd  
December, 1997 (Annexure A-2). That application has been  
considered by the respondents and has been rejected by  
them vide their letter dated 21st July, 1999 on the

ground that compassionate appointment cannot be provided to all the candidates as the number of vacancies meant for this purpose is very few and only the most deserving cases are recommended for appointment subject to availability of the vacancies. Aggrieved by this the applicant has approached this Tribunal by filing this OA and claiming the aforesaid reliefs.

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

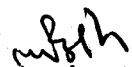
4. The learned counsel for the applicant has submitted that the case of the applicant is very deserving as per the averment made by him in paragraph 4.6. The respondents have considered the case of less deserving candidates, whereas they have rejected the case of the applicant which is the most deserving. He has also submitted that the case of the applicant is required to be considered thrice as per the policy.

5. On the other hand the learned counsel for the respondents has stated that the case of the applicant has been considered in accordance with the existing policy. The consideration for appointment on compassionate ground for three times is not covered by the policy existed at the time of death of the deceased Government servant. It is only in the year 2001 that the new policy has come into force which provided consideration for three times. Therefore the new policy cannot be made applicable with retrospective date. The learned counsel for the respondents also stated that they have explained the allegation of discrimination as made out by the applicant, in their reply.



6. I have given careful consideration to the rival contentions made on behalf of the parties and I find that the applicant's father died in the year 1996 and his mother submitted an application to the respondents for appointment of his son on compassionate ground. But the same was rejected by the respondents vide their letter dated 21st July, 1999 (Annexure A-1). Since the father of the applicant has died in the year 1996, his case for compassionate appointment has been considered by the respondents in accordance with the guidelines existed at that time. The consideration of the applicant on 3 occasions is covered under the new policy which cannot be made applicable to the applicant. However, purely on humanitarian ground, <sup>I feel that</sup> ends of justice would be met, if the applicant is directed to make a detailed representation to the respondents to consider his case for appointment on compassionate ground. <sup>I do so accordingly.</sup> If the applicant complies the order within a period of 4 weeks from the date of receipt of copy of this order, the respondents are directed to consider the said detailed representation of the applicant by passing a detailed, speaking and reasoned order within a period of four months from the date of receipt of copy of the representation. ~~However, the order passed by the~~ However, the order passed by the respondents will be binding on the applicant.

7. Accordingly, the Original Application is disposed of. No costs.

  
(M.P. Singh)  
Vice Chairman