

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 363 of 2001

Jabalpur, this the 7th day of May, 2004

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

Smt. Roopkali Bai, Wife of Late
Marnilal alias Shri Mani Shanker, aged
about 56 years, resident of H. No. 1309,
Hardol Mandir Garha, Jabalpur MP. ... Applicant

(By Advocate - None)

V e r s u s

1. Union of India,
through the Ministry
Department of Tele Communication,
New Delhi.

2. General Manager, Telecom.
Factory, Wright Town, Jabalpur
MP. ... Respondents

(By Advocate - Shri S.A. Dhamadhikari)

O R D E R

By Madan Mohan, Judicial Member -

None for the applicant. Since it is an old case of 2001, we proceed to dispose of this OA by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987.

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

"(1) to call for the record pertaining present case from the office of non applicant no. 2 and be further please to examine the same and be further please to command the non applicants to consider the claim the application for compassionate appointment and issue an order of appointment of her son at an early date."

3. The brief facts of the case are that the husband of the applicant Shri Barnilal alias Mani Shanker was an employee of non-applicant No. 2. He expired during service on 17.3.1997. The applicant was sole legal heir of the deceased Government employee. Late Barnilal also have three sons and two daughters. She moved an application for



appointment on compassionate ground for her son Sarman Lal. The applicant was hopeful that compassionate appointment will be given to her son immediately but inspite of lapse of long time no positive information was received from the respondents. The respondents directed the applicant to submit necessary documents for appointment on compassionate ground. The applicant submitted the necessary documents to the respondents. The applicant further submitted that her family is very poor and is facing severe financial hardship and her sons and daughters are dependent upon her. The applicant filed an Original Application before this Tribunal and the Tribunal has passed order for consideration of her son's case vide order dated 21.7.2000. But till date nothing is done in this regard. Her family pension is Rs. 2,480/-. It is very difficult to arrange meal of two times for the family. The respondents have not considered the factual position of the case. The applicant is unable to understand about the awarding of 32 points to the applicant. Aggrieved by this the applicant has approached this Tribunal by filing this Original Application and claiming the aforesaid reliefs.


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

5. The learned counsel for the respondents argued that the respondents have rejected the application of the applicant for appointment on compassionate ground of the applicant's son, after considering all the legal and factual position in compliance with the directions issued by this Tribunal. The applicant is getting Rs. 2,370/- as family pension per month and she has also been paid Rs. 1,08,275/- as terminal benefits on the death of her husband. The compassionate appointment is not as a matter of right. The




verification committee verified the detail of the family members and financial position of the family. The committee observed that the family of the deceased employee consists of 4 members of family i.e. widow (applicant), two unmarried daughter and one son. They also reside in their own three rooms kuccha house. After taking into consideration all the financial condition and background of the family of the deceased employee and applying a scientific method and the facts of the case, the applicant carried poor marks i.e. only 32 marks out of 100. In view of the above the HPC came to the conclusion that the applicant has not secured adequate marks for the purpose of compassionate appointment and the family is not in indigent condition. Hence the case of the applicant was rejected.

6. We have given careful consideration to the rival contentions made on behalf of the parties and we find that in compliance with the direction of the Tribunal passed in OA No. 590/2000 on 21st July, 2000, the respondents have considered the case of the applicant's son and the HPC after considering all the factual and legal positions have found that the son of the applicant is not suitable and eligible for appointment on compassionate ground. We also perused the minutes of the 40th HPC meeting held on 14.3.2000 (Annexure R-1) and 42nd HPC meeting held on 29.8.2000 and we find that the case of the applicant's son was considered and was rejected. Apart from it we also find that the applicant received terminal benefits amounting to Rs. 1,08,275/- and the widow is also receiving Rs. 2,370/- as family pension after the death of her husband. It is a settled legal proposition that compassionate appointment is not a matter of right. Considering the facts and circumstances of the case



we do not find any merit in the Original Application.
Accordingly, the Original Application is dismissed. No
costs.


(Madan Mohan)
Judicial Member

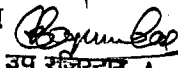

(M.P. Singh)
Vice Chairman

"SA"

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
परिलिपि आदेशित:-

- (1) सचिव, उच्च न्यायालय नगर इलाहाबाद, जबलपुर
- (2) आदेशन की/लिपि, हु.....के काउंसल Sanjay Patel
- (3) प्रत्यक्षी की/ओमिती/रु.....के काउंसल S A Dharmadikari
- (4) गंधपाल, कोषा, जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु


उप रजिस्ट्रार
17/5/04

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