

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 39 of 2001

Jabalpur, this the 8th day of April, 2004

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

1. Smt. Zarina Khatoon, widow of late Shri Azeem Khan, aged about 50 years, R/o 26/1 Moti Nagar, Shastri Ward, Anand Nagar, Adhartal, Jabalpur(M.P.)
2. Saleem Khan, son of Late Shri Azeem Khan, aged about 31 years, R/o Moti Nagar, Shastri Ward, Anand Nagar, Adhartal, Jabalpur(M.P.)

APPLICANT

(By Advocate - None )

VERSUS

1. The Union of India through the Secretary Department of Telecommunication, Ministry of Communications, New Delhi.
2. The Chief General Manager, Telecom Factory, Richhai/Wright Town, Jabalpur(M.P.)
3. Personnel Officer, Telecom Factory, Ricchai/Wright Town, Jabalpur(M.P.)

RESPONDENTS

(By Advocate - Shri B.da.Silva Sr.Adv. alongwith Shri S. Akhtar)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicants have sought the following main relief :-

- "(i) to allow this application and concerned respondent authorities, may kindly be directed to appoint the applicant No.2, as pryaed by applicant No.1, on compassionate ground, being elder son of deceased Govt. employee, on suitable post."
2. The brief facts of the case are that the applicant No.1 is widow of the deceased government who servant late Shri Azeem Khan/was working in the Telecom Factory as Tube Maker Gr.I, TM Shop. He died in harness on 14.9.99. The applicant No.1 has submitted an

application for appointment on compassionate ground to her elder son i.e. applicant No.2. The respondents have rejected the claim of the applicants vide their order dated 13.9.2000. Aggrieved by this, the applicants have filed this OA claiming the aforesaid relief.

3. None is present on behalf of the applicants. Since it is an old matter of the year 2001, we are disposing of the same by invoking the provisions of Rule 15 of the Central Administrative Tribunal(Procedure) Rules, 1987. Heard the learned counsel for the respondents and perused the pleadings.

4. The learned counsel for the respondents states that there are only 5% of vacancies falling under direct recruitment quota in Group C & Group D posts. At present there is a ban also on direct recruitment. The respondents have adopted a just and fair method in considering the case of the applicants for compassionate appointment and has followed the direction of this Tribunal delivered in OA No.683/93, Dayanand Pandey Vs. Union of India & Ors. decided on 3.3.1994. In pursuance of said direction a High Power Committee has been constituted and the case of the applicant no.2 for compassionate appointment has been considered by the said committee applying a scientific method to the facts of the case. Taking into consideration the financial condition and background of the family of the deceased officer, the said committee came to the conclusion that the applicant no.2 has not secured adequate marks for the purpose of compassionate appointment and, therefore, his case <sup>was</sup> rejected. The records of the Minutes of 42nd HPC Meeting held on 29.8.2000 (Annexure-R-1) have been filed in support of the submission contained herein above. The case of the applicant no.2 was considered. He obtained only 10 marks out of 100 ~~marks~~ <sup>marks</sup> ~~in the meeting on~~ merit, based on scientific method adopted by the department. So far only the names of the candidates, who have secured 56 marks have been recommended for appointment on compassionate grounds.

