

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 609 of 2002

Jabalpur, this the 11th day of September, 2003

Hon'ble Shri D.C. Verma, Vice Chairman (Judicial)
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Smt. Purnima, Wd/o. Late
Kamlesh, Aged about 35 years,
Resident of Shankar Parwati
Bada, Badi Khermai, Khatik
Mohalla, Jabalpur.

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, through its
Secretary, Deptt. of Defence
Production, Ministry of
Defence, New Delhi.
2. General Manager,
Central Ordnance Depot,
Jabalpur, Madhya Pradesh.
3. Commandant, Central Ordnance
Depot, Jabalpur, Madhya Pradesh. ... Respondents

(By Advocate - Shri S. Akthar holding brief of Shri
B. da. Silva)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -

By this original Application the applicant has claimed
appointment on compassionate ground.

2. The brief facts of the case are that the applicant's
husband Late Kamlesh was working with the respondents, died
in harness on 29.09.2001. An application for appointment on
compassionate ground was given by the applicant, which was
rejected by the respondents on 2nd July, 2002 (Annexure A-5).
Hence this original Application.

3. The respondents have contested the applicant's claim. The
reply has been served and filed and rejoinder thereto has not



been filed and as none is present for the applicant, the case has been heard on merits and is decided under Rule 15(1) of the CAT (Procedure) Rules, 1987.

4. As per the reply the case of the applicant was considered for appointment on compassionate ground on three occasions. But on all the three occasions persons more deserving in comparison to the applicant, were given appointment. The case of the applicant alongwith others were considered in the light of the instructions on the subject. The appointment on compassionate ground cannot be claimed as a matter of right and ~~always~~^{only} the person in indigent condition can be considered for appointment and if the family is not indigent the appointment cannot be given on compassionate ground. The number of vacancies available for appointment on compassionate ground is limited to 5% of the direct recruitment. Consequently all those who apply, cannot be given appointment. The respondents have to make a comparative chart, looking to the benefits received by the dependants, the dependency and other liabilities. However the respondents have examined the case of the applicant on three occasions ~~the persons~~ and on all three occasions, ~~who~~ who have been appointed were found more deserving. Consequently the applicant's claim for appointment has been rightly rejected by the respondents.

5. The learned counsel for the respondents submitted that other wise also the applicant has received a sum of Rs. 2,08,342/- as terminal benefits and is drawing pension of Rs. 1,938/- per month. Considering all the circumstances the family is not said to be in indigent condition.



Contd. 3/-

6. In view of the discussion made above the Original Application has no merit and the same is dismissed. No costs.

Anand Kumar Bhatt

(Anand Kumar Bhatt)
Administrative Member

D.C. Verma

(D.C. Verma)
Vice Chairman (J)

"SA"

प्रृष्ठांकन सं ओ/न्या.....जखलपुर, दि.....
प्रृष्ठा की ओर आवश्यक वापर प्रयोगी/प्रयोग, जखलपुर
(1) राज्य राज्य विभागीय विभाग, जखलपुर
(2) राज्य राज्य विभागीय विभाग, जखलपुर
(3) राज्य राज्य विभागीय विभाग, जखलपुर
(4) राज्य राज्य विभागीय विभाग, जखलपुर
सूचना एवं आवश्यक कार्यवाही के

Received
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26/9/03

*V. Goyal - Add
B. Ch. S. - Add*

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