

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.Aktnar 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 ^{only} ~~always~~, 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 and on all three occasions, ^{the persons} ~~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/-

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

पृष्ठांकन सं ओ/व्या.....जबलपुर, दि.....
परिचयि जावे शिना -

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Forwarded
on 26/9/03

v. garden - Adk
Bela Silva Adk

Handwritten signature
26/9/23