

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application 769 of 2002

Jabalpur, this the 11<sup>th</sup> day of August, 2004

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

Kamlesh Kumar Kosta  
Aged about 33 years  
S/o Late Shri Pooranlal Kosta  
R/o 264, North Milloniganj,  
Bandhaiya, Mohalla  
Rajeev Gandhi Ward  
Tah and Distt. Jabalpur

APPLICANT

(By Advocate - None)

VERSUS

1. The Union of India,  
Through The Secretary  
Ministry of Defence,  
South Block, New Delhi.
2. The Chairman  
Ordinance Factory Board,  
Calcutta.
3. The Commandant,  
Central Ordinance Depot.  
Jabalpur(M.P.)

RESPONDENTS

(By Advocate - Shri S.K. Gupta on behalf of  
Shri K.N. Pethia)

ORDER

By Madan Mohan, Judicial Member-

By filing this OA, the applicant has sought the following main relief :-

"(i) ..... to issue a suitable Writ/Order directing the respondents to appoint the petitioner in Central Ordinance Depot, Jabalpur. On compassionate ground due to death of his father Pooranlal, Ticket No.2867, Who was a permanent employee as "APOSTER" in COD Jabalpur. It is also prayed that the petitioner be directed to be appointed on compassionate ground from the date of his application with all consequential benefits".

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2. The brief facts of the case are that the father of the applicant Pooranla who was working as "Apostor" in the establishment of Commandant, Central Ordnance Depot, Jabalpur, expired suddenly on 31.3.01 while in service. He was the only earning member of the family. After his death, his widow Smt. Goura Bai applied for compassionate appointment of her son. The respondents directed them to submit relevant documents. Subsequently an application for employment on compassionate ground was submitted. The applicant passed the higher secondary school certificate. The applicant and family members do not possess any movable or immovable property. He also submitted his caste certificate. However, the applicant was informed that due to limited vacant post, he may not get the selection and that the application would be considered again. The applicant has not been given any opportunity to show cause.

3. None is present for the applicant. Learned counsel for the respondents argued that the following emoluments were given to the family of the deceased employee Pooranlal:

(a) Death cum retirement gratuity	Rs. 1,87,473/-
(b) General Provident Fund	Rs. 1,56,886/-
(c) CCGIS	Rs. 41,537/-
(d) Encashment of leave	Rs. 23,242/-
(e) Family pension	Rs. 2,300+51% DA

In view of the above pecuniary benefits, the case of the applicant was not found suitable for compassionate appointment by the Board of Officers who considered the case of the applicant with other deserving candidates. As per the policy decision, the number of vacancies available for recruitment in relaxation of normal recruitment rules of compassionate appointment is only 5% of the wastage vacancies occurring in a calendar year. The policy of the compassionate appointment adopted by various government departments is only with a view to provide financial assistance and a member of the family needs immediate appointment and on the ground of immediate need of

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financial assistance in the event of there being no other earning member of the family to supplement the loss of income from the bread winner.

4. After hearing the learned counsel for respondents and carefully perusing the records, we find that the respondents have given to the applicant sufficient amount as DCRG, GPF, Insurance, Leave Encashment etc. Apart from that, the respondents are paying Rs.2300+ 50% DA as family pension regularly and monthly. The applicant's father expired on 31.3.2001. Hence the respondents have considered the policy of 9th Oct.98 which is 5% vacancies reserved for compassionate appointment. The case of the applicant was duly considered by the respondents but his case was not found suitable hence it was rejected.

5. This OA deserves no merit and is rejected.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

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पूछांकन सं ओ/व्या.....जबलपुर, दि.....  
सतिलिपि अकेरित:-

- (1) सचिव, उच्च न्यायालय एवं एडमिनिस्ट्रेशन, जबलपुर
- (2) अध्यक्ष श्री/श्रीमती/शु.....के काउंसिल
- (3) प्रथम श्री/श्रीमती/शु.....के काउंसिल
- (4) अध्यक्ष, जज.प.न. जबलपुर न्यायाधीश सदन एवं आचर्यक न्यायाधीश

Anand Patel

KNP 2/19

16-8-04

उच्च न्यायालय

Issued  
on 16-8-04  
BS