

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.928 of 2000

Jabalpur, this the 6th day of November, 2003

Hon'ble Shri M.P.Singh - Vice Chairman

1. Shri Keshav Prasad, aged about 24 years, S/o late Shri Salikram Kataria, Resident of J/8, Kanchhghar Colony, Jabalpur (MP).
 2. Smt. Lonjsri Kataria, Wd/o late Shri Salikram Kataria, aged about 55 years, Resident of J/8, Kanchhghar Colony, Jabalpur (MP)
- APPLICANTS
- (By Advocate - Ku.P.L.Shrivastava)

Versus

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
 2. The General Manager, Gun Carriage Factory, Jabalpur (MP)
- RESPONDENTS
- (By Advocate - None)

ORDER (Oral)

The applicants by filing this Original Application have sought a direction to quash memo dated 4.2.2000 and have also prayed for a direction to respondent no.2 to appoint applicant no.1 on compassionate grounds.

2. The brief facts of the case are that the father of applicant no.1 and husband of applicant no.2 was working with respondent no.2 i.e. in the Gun Carriage Factory, Jabalpur, who died in harness on 20th September, 1996. An application was moved by the applicant no.2 requesting the respondents to appoint applicant no.1 on compassionate grounds, on 27.11.1996 (Annexure-A-2). According to the applicants, the case of applicant no.1 was not considered. Thereafter, the applicant no.2 again submitted another application on 15.10.1999 (Annexure-A-3). The request of the applicants for appointment on compassionate grounds has been rejected by the respondents vide order dated 4.2.2000 (Annexure-A-4) on the ground that the family of the deceased Govt. employee has been paid

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Rs.1,78,356/- as terminal benefits. They are also getting Rs.2331/- plus dearness relief as family pension. According to the applicants, the family of the deceased Govt.servant consists of his mentally retarded daughter, and they have no source of livelihood.

3. The respondents in their reply have stated that considering the terminal benefits and the family pension granted to the family, it was found that the contention of the applicants that they have no source of livelihood is without merit. Hence, the competent authority felt that this family is not in indigent circumstances warranting compassionate appointment. Accordingly after considering her case it was rejected and the applicant no.2 was accordingly intimated.

4. Heard the learned counsel for the applicant. As none was present on behalf of the respondents, we are proceeding to decide this case by invoking the provisions of Rule 16 of Central Administrative Tribunal (Procedure) Rules, 1987.

5. During the course of arguments, the learned counsel for the applicants submitted that the family of the deceased Govt.servant has no source of livelihood as the applicant no.1 is without any employment and they have also mentally retarded daughter of the deceased Government servant to support. She has also submitted that the claim of the applicants has been rejected on the sole ground that the applicants have been paid the terminal benefits of the deceased Government servant and also the family pension of Rs.2331/- plus dearness relief is being paid. According to the learned counsel for the applicant the contention of the respondents is not correct. In support of her claim she has relied upon a decision of the Hon'ble Madhya Pradesh High Court in the case of Akeel Ahmed Khan Vs. GM, SBI, 2003 (4)MPHT 167.


6. I have carefully considered the contentions of the parties and perused the pleadings carefully.

7. I find that the respondents have rejected the claim of the applicant only on the sole ground of payment of terminal benefits and family pension @ Rs.2331/-plus dearness relief, as per their letter dated 4.2.2000. The respondents have not taken into consideration the other factors while taking a decision on the application of the applicants. I have perused the aforesaid judgment of the Hon'ble Madhya Pradesh High Court in the case of Akeel Ahmed Khan (supra) and have find that the present case is fully covered by the said decision. I find that there is a force in the contention raised on behalf of the applicant. An extract of the decision in the case of Akeel Ahmed Khan(supra) is reproduced below-

"To survive the member of family, mere payment of some amounts towards gratuity and pension will not be sufficient to meet out the crisis. The petitioner made an application for compassionate appointment placing all the material facts before the respondents, but the respondents have not properly considered the case of the petitioner and have declined merely on the ground that some amount was paid to the petitioner and the family is getting pension. The aforesaid is not sufficient to deny the compassionate appointment. The policy of the respondents provides compassionate appointment and until and unless the respondents are satisfied that the family is in a position to meet the aforesaid crisis only in that circumstances, the compassionate appointment may be refused, but the circumstances of the present case do not satisfy aforesaid requirement and the petitioner is entitled for compassionate appointment".

8. In view of the facts and circumstances of the case and relying on the decision of the Hon'ble M.P.High Court in the case of Akeel Ahmed Khan (supra), the respondents are directed to reconsider the case of the applicant in the light of aforesaid judgment of the Hon'ble MP High Court and also keeping in view the guidelines issued by the Government at the relevant point of time, within a period of four months from the date of communication of this order.

9. The O.A. stands disposed of in the above terms.No costs.


(M.P.Singh)
Vice Chairman.

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- (2) ... कु. P.L. Shivananar, Adm.
- (3) ... B. daniva, Adm.
- (4) ...

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