

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 240 of 2000

Jabalpur, this the 13th day of February, 2004

Hon'ble Shri G. Shanthappa, Judicial Member

Smt. Kamlabai aged about 35 years,
widow of late Kishanlal Rajput,
resident of House no. 366, Barav
Mohalla, Dwarika Nagar, Ghamapur,
Jabalpur MP.

... Applicant

(By Advocate - Shri R.K. Jatav on behalf of Shri K.P.
Ladhiya)

V e r s u s

1. The Union of India, through
Its Secretary, Ministry of
Defence, New Delhi.
2. The Chairman, Board of
Ordnance Factories,
Calcutta.
3. The General Manager, Grey
Iron Foundry, Jabalpur MP.
4. Works Manager, (Administration),
Grey Iron Foundry, Jabalpur
MP.

... Respondents

(By Advocate - Shri P. Shankaran on behalf of Shri B.da.
Silva)

O R D E R (Oral)

By filing this Original Application the applicant has sought relief for direction to the respondent No. 3 to provide him appointment on compassionate ground and to quash the impugned order dated 4.6.1999.

2. The brief facts of the case are that the husband of the applicant died in harness on 25.3.1997, leaving behind the applicant and his daughter Ku. Pooja Rajput who is minor. After the death of the applicant's husband she had submitted her application for appointment on compassionate ground, as she lost the sole bread-winner of the family. Alongwith the application she has submitted and necessary documents for which the respondents have issued

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the order dated 4.6.1999. The applicant has complied all the requisite conditions for grant of appointment on compassionate ground. As the respondents have rejected the claim of the applicant, she had approached the respondents on several occasions but the respondents had not acceded to her request. Aggrieved by this she has filed this OA and approached this Tribunal claiming the aforesaid reliefs.

3. The respondents have filed their reply stating that the applicant's husband was a Melter HS Grade-II in Grey Iron Foundry, Jabalpur. The first application submitted by the applicant is dated 31.12.1997 for appointment on compassionate ground. The same was considered and the respondents have passed the orders on 15.5.1998, 6.5.2000, 12.6.1999, 4.6.1999 and 25.1.1999. On all the occasions the said orders were issued on the basis of the application submitted by the applicant and after considering her case. In their reply they have also contended that the applicant has received terminal benefits amounting to Rs. 1,32,269/- and is paid family pension of Rs. 1,713/- plus DA. Hence the family is not in indigent circumstances. In view of the judgments of the Hon'ble Supreme Court the case of the applicant cannot be considered. Accordingly, the impugned orders are passed. The case of the applicant has been considered in detail and he was allotted 45 points. Accordingly, the applicant has no legal right to ask for appointment on compassionate ground after lapse of so many years. Comparing with the other candidates regarding appointment on compassionate ground the applicant has secured less points. Accordingly her case was not considered. The applicant was also having immovable property which the respondents came to know on the basis of the declaration submitted by the applicant before the



Welfare Officer. Hence the Original Application is liable to be dismissed.

4. Heard the learned counsel for the parties and perused the records carefully.

5. On perusing the impugned order passed by the respondents on 4.6.1999, I find that it is only a four line order. The respondents have not assigned any reasons for rejection of the claim of the applicant. Similar type of orders were passed by the respondents on 15.5.1998, 6.5.2000, 12.6.1999, 4.6.1999 and 25.1.1999. Hence the impugned orders are not sustainable in the eye of law. The case of the applicant is that since she had submitted number of applications for appointment on compassionate ground, the respondents have not considered them in accordance with the official memorandum issued by the DOP&T regarding appointment on compassionate ground. Accordingly, the impugned orders are non-speaking and requires the interference of this Tribunal. The contention of the applicant is that she has no property and from which sources the respondents have obtained the particulars is not known to the applicant. There was no opportunity of hearing the applicant to prove that she was owning any property.

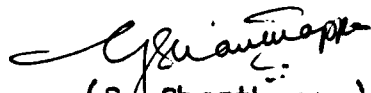
6. The contention of the respondents is that in view of the judgments of the Hon'ble Supreme Court the applicant has no legal right to claim for appointment on compassionate ground. The case of the applicant has been considered by passing an order and also she had secured only 45 points which in comparison with other candidates is less.



dated 4.6.1999

7. I perused the order^a passed by the authorities and I find that, since it is ~~is~~ non-speaking four line order, I quash the same and direct the authorities to pass a speaking, reasoned and considered order within a period of three months from the date of receipt of copy of this order, and also communicate the same to the applicant. While considering the case of the applicant they should assign the reasons in view of their own circulars issued regarding appointment on compassionate ground.

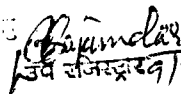
8. Accordingly, the Original Application is allowed.
No costs.


(G. Shanthappa)
Judicial Member

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K P Ladhiga.
P. Shukara.


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