

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

Circuit Sitting at BILASPUR

Original Application No.526/2000

Bilaspur, this the 11th day of December, 2003

Hon'ble Shri M. P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Goverdhan Prasad Sahu
s/o Late Shri Lakanlal Sahu
r/o Village Kurood Kutela via Arang Tehsil
Arang, District Raipur. ... Applicant

(By Advocate: Shri P.T. Lakhe)

Versus

1. Union of India through
Secretary
Posts and Telegraphs Department
New Delhi.
2. Chief Post Master General
M.P.Circle, Bhopal. ... Respondents

(By Advocate: Shri P. Shankaran)

O R D E R (Oral)

By G. Shanthappa, Judicial Member:

Heard the learned counsel for the applicant and the respondents. This is a case of compassionate appointment.

2. The facts of the case, in brief, are that the father of the applicant died in harness on 18.9.1994 leaving behind the applicant, his mother and three sisters. At the time of death of his father, the applicant was a minor. The mother of the applicant has approached the respondents for grant of appointment on compassionate ground in the name of the applicant, after attaining the majority of the applicant, vide application dated 16.11.1994. The mother of the applicant has received the

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4. The respondents have further stated that the impugned order Annexure A-12 has been passed after considering all the facts and circumstances of the case of the applicant for compassionate appointment. Hence, the OA is liable to be dismissed.

5. After hearing the advocate for the applicant and the respondents and after perusal of the records and pleadings on record, we are proceeding to decide the case on merits.

6. We have gone through Annexure A-12 i.e., the impugned order, which is a cyclostyled copy in nature and the respondents have filled up the blanks and issued the order which is not a speaking/reasoned order. Hence the said order is not sustainable in the eye of law, as no reasons are assigned in the impugned order and also whatever grounds urged in the reply that were also not mentioned in the impugned order.

7. We have perused the case law relied upon by the learned counsel for the respondents which was referred above, and we find, ~~that~~ in that case the family of the deceased Govt. servant has moved an application ~~af~~ 17 years after the death of the deceased. As such, the Hon'ble Supreme Court has held that the family of the deceased Govt. servant has no legal right to claim appointment on compassionate grounds after such an inordinate delay of 17 years, from the date of the ~~deceased~~ Govt. servant. Whereas in the present case,



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the deceased Govt. servant has died in the year 1994, when the applicant was minor and after attaining the majority of the applicant, the family of the deceased has moved an application in the year 1999, i.e., just after completion of the four years period from the date of the death of the Government servant. As such the aforesaid case law relied upon by the respondents' counsel is not squarely covered in this case as the facts and circumstances of the present case and the facts and circumstances of the aforesaid case law are different and distinguishable. *Mr. ~~xxx~~ xx xx xx xx*
Mr. ~~xxx~~ xx xx xx In the instant case, the deceased Govt. servant had left three unmarried daughter, minor son and family of the widow and the deceased Govt. servant has received pensionary benefits to the tune of Rs.74,795 and a monthly pension of Rs.1746/- per month and the mother of the applicant has spent the entire retiral benefits for marriage of her daughter.

8. We also find that in the case of T. Swamy Das vs. Union of India, 2003(1) ATJ 367, the Hon'ble High Court of Madhya Pradesh has held that one who is eligible for appointment at the time of appointment for compassionate ground - cannot be denied appointment on account of policy framed subsequently.

9. In the result, for the foregoing reasons, and in the interest of justice, the present OA is ~~deposited~~ ^{allowed in part} in the following terms:

- a) Quashed and set-aside the impugned order at Annexure A-12.
- b) The respondents are directed to ^{re} consider the case of the applicant for compassionate appointment in accordance with the rules and instructions on the subject.
- c) While considering the case of the applicant, they should also keep in mind the financial distress and the ~~respondents~~ responsibility

lying on the applicant of two unmarried daughters, etc..

d) The respondents shall consider the case of the applicant again and comply the aforesaid directions within a period of two months from the date of receipt of a copy of this order and pass a ~~seasoned~~ and speaking order to the applicant.

10. The ~~fore~~ aforesaid OA is accordingly disposed of.
No order as to costs.


(G. SHANTHAPPA)

Judicial Member


(M. P. SINGH)
Vice Chairman

/rao/

Tue, 17/12/03

APT Lath, Ach

P. Sh. Karan, Ach

Interstate
16.12.03