

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 652 of 2000

Jabalpur, this the 8th day of April, 2004

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

1. Smt. Lakhoo Bai, Widow of
Late Bangilal, Aged about
50 years.
2. Chhote Lal, S/o. Late Bangilal,
Aged about 19 years,

Both resident of 284B, Ganeshganj,
Near Durga Mandir, Rahjhi, Jabalpur (MP). ... Applicants

(By Advocate - None)

V e r s u s

1. The Union of India,
Through the Secretary,
Ministry of Defence,
New Delhi.
2. The Chairman, Ordnance
Factories Board, 10-A, Auckland
Road, Calcutta - 700 001.
3. The General Manager,
Ordnance Factory Khamaria,
Jabalpur (MP). ... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicants
have claimed the following main reliefs :

"(I) to set aside order dated 25.4.2000 passed by
respondent No. 3 Annexure A-1,

(II) to give compassionate appointment to the
applicant No. 2."

2. The brief facts of the case are that the applicant
No. 2 is a candidate for employment in the office of
respondent No. 3, on the compassionate ground. The applicant
No. 2 is the only eligible person to be appointed on

compassionate grounds after the death of his father Shri Bangilal who died on 24.9.1999. The deceased left behind his widow, applicant No. 1 and son, applicant No. 2 who is unemployed at present and is major as his date of birth is 1.7.1981. The deceased was an employee in the office of respondent No. 3 and was left with seven years of service, while he expired on 24.9.1999. An application for compassionate appointment was sent on 17.12.1999 to the respondent No. 3. The respondent No. 2 rejected the said application on a very casual ground and no serious consideration was made. Aggrieved by this the applicants have filed this Original Application claiming the aforesaid reliefs.

3. None for the applicant. Since it is an old case of 2000, we propose to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. The learned counsel for the respondents argued that the representation of the applicant was rejected vide order dated 25.4.2000 in which it is mentioned that after the death of the deceased Government servant, retiral benefits of Rs. 2,42,000/- was paid to the family of the deceased Government servant and monthly pension of Rs. 2,100/- plus DA is also regularly paid to the widow of the deceased Government servant. It is also mentioned in the said order that in the family of the applicants there is no minor son or unmarried daughter. Hence considering all the facts and circumstances of the case the respondents rejected the said representation of the applicants.

5. We have given careful consideration to the rival contentions made on behalf of the parties and we find that the respondents have rejected the claim of the applicants



giving adequate reasons. The Hon'ble Supreme Court in the case of Unesh Kumar Nagpal Vs. State of Haryana & Others, JT 1994 (3) SC 525, has held that the consideration for such employment is not a vested right which can be exercised at any time. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole bread-winner and the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.

6. Accordingly, we are of the considered opinion that the applicant has failed to prove his case and the Original Application has no merit. Hence the Original Application is dismissed. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

"SA"

पृष्ठकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय काउंसिल, जबलपुर
- (2) आदेशक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/कु.....के काउंसल
- (4) कांयपाल, कोषाग., जबलपुर न्यायाधीश सूचना एवं आवश्यक कार्यवाही हेतु

Rakesh Bandyop
P. Shankar

Rajendra
उप सचिव/2/4/04

assured
13.4.04