

Reserved.

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR.

...

Original Application No. 750 of 1999.

this the 24th day of February '2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Dwarka Prasad Choudhary, aged about 24 years, S/o late
Sri Sodeenlal, unemployed, R/o 736, Tripuri Ward, Choudhary
Mohalla, Garha, Jabalpur.

Applicant.

By Advocate : Sri R.K. Srivastava.

Versus.

1. Union of India through the Secretary, Telecommunication,
Department, New Delhi.
2. The Chief General Manager, Telecom Factory, Jabalpur.

Respondents.

By Advocate : Sri S.A. Dharmadhikari.

ORDER

This is a second round of litigation filed by the
applicant challenging the order dated 8.10.99 passed by the
respondents pursuant to the directions given by this Tribunal
in O.A. no. 29/96.

2. It is submitted by the applicant that his father late
Sri Sodeenlal died in harness on 1.9.93 leaving behind his
widow, two sons namely Kailash and Dwarka (applicant) and
three daughters. Kailash is the eldest son and he is at present
a Homeguard Sainik and gets employment as Homeguard Sainik
for about 3 months in a year on the occasion when the Government
requires Homeguard Sainiks and when he ^{is} ~~was~~ not performing
his duties as a Homeguard Sainik, he works ^{as} ~~is~~ as a private
labour, but after his marriage in 1980, he had separated
from the family in the year 1982 and living with his father-in-

law alongwith his wife and three children, therefore, he had not been looking after or sharing the expenditure of the family. He has also stated that elder sister was married in the year 1989 itself ^{and during the lifetime of employee} but thereafter he fell sick and had taken loan from others for his treatment and ultimately he died on 1.9.93. After his father's death, the responsibility of marrying the younger sisters is also on his own shoulder and the amount which was paid to his mother was spent in repaying the loan and since they are in total indigent condition, his mother had given an application on 22.9.93 for giving appointment to the applicant as Mazdoor. The said request was rejected vide order dated 20.10.95 without giving any reasons (Annexure A-2). Therefore, being aggrieved, he filed O.A. no. 29/96 which was decided on 25.8.99 directing the respondents to consider the applicant's application keeping in view the fact that similarly circumstances/cases had been favourably considered and to pass appropriate orders within a period of two months. However, the respondents ^{have} once again rejected the claim of the applicant without adopting any scientific method.

3. The grievance of the applicant is that other persons who have been given compassionate appointment ^{are 2} having lesser liabilities than the applicant's family, yet they have been given appointment, while denying the same to the applicant which amounts to discrimination. For example, he has shown from Annexures filed by the respondents that in the case of Ashok Kumar the observation given by the HPC were that they have to marry one daughter and the family having not sufficient means of income to support the dependent members, while in the case of the applicant he has two sisters to be married, yet the same HPC has observed that the family is not in indigent condition. He has



marks under the different columns, which have been applied uniformly in all the cases and as per tabulation drawn by the HPC, the applicant could secure only 42 marks, while the persons who have been recommended for compassionate appointment secured more marks. The person with lowest marks is 56 and the names of all four persons whose example has been given in the O.A., had secured 60 and above marks, therefore, naturally, their cases are found to be more deserving than the applicant and they had to be given preference over the lesser marks. Simply because the applicant has two sisters to marry, it cannot be said that his case was more deserving. As stated above, marks have been given under the different heads in a uniform manner and then the cases are recommended on the basis of total number secured by the candidates as per their merit limited to the number of vacancies which are available within 5% limit of direct recruitment in a year. Since the applicant's case has been duly considered by the HPC, I do not find any good ground to interfere in the matter. Accordingly, the O.A. is dismissed being devoid of merits with no order as to costs.

(MRS. MEERA CHHIBBER)
M(J)

GIRISH/-

पृष्ठान्कन सं ओ/न्या.....जबलपुर, दि.....
पत्रिका सं ओ/न्या.....

- (1) सचिव, उच्च न्यायालय, जबलपुर
- (2) सचिव, उच्च न्यायालय, जबलपुर
- (3) सचिव, उच्च न्यायालय, जबलपुर
- (4) सचिव, उच्च न्यायालय, जबलपुर

R. K. Srivastava B.A.
S. A. Anandhikan B.A.

26/10/03

Issued
26.2.03