

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR.

....

Original Application No. 772 of 1998

this the 19th day of February 2003.

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

1. Smt. Gouri Bai, W/o late Sri Ram Prasad.

2. Gena Lal, S/o late Sri Ram Prasad.

Both resident of Village Majhgaon, Saroli, Tehsil  
Sihora, District Jabalpur.

Applicants.

By Advocate : Sri M.B. Srivastava.

Versus.

1. Union of India through the Secretary, Ministry of  
Defence, New Delhi.

2. Chairman, Ordnance Factories Board, 10-A Auckland  
Road, Calcutta.

3. The General Manager, Vehicle Factory, Jabalpur.

Respondents.

By Advocate : Sri S.C. Sharma.

O R D E R (ORAL)

By this O.A., the applicants have challenged the order dated 17.5.1997 and sought a direction to the respondents to extend appointment on compassionate grounds either to applicant no.1 or <sup>to</sup> applicant no.2 for any post for which he/she is found fit.

2. It is submitted by the applicants that late Sri Rajendra Prasad died in harness on 7.3.1996 leaving behind his widow, two sons aged about 28 years and 23 years and one daughter aged about 13 years. Both the sons are unemployed and there is no other source of income, therefore, they have given a representation before the respondent no.3 for grant of compassionate appointment, but the same

has been rejected vide order dated 17.5.1997 without giving any reasons. Thus, it is a case of non-application of mind and since no reasons are assigned in the order, their cases have not been considered by the respondents at all. They have also submitted that the applicants are the members of Scheduled Tribe and special quota is fixed for them, therefore, they have sought the relief as mentioned above.

3. The respondents have opposed the O.A. on the ground that Sri Rajendra Prasad expired on 7.3.96 after rendering more than 19 years of service leaving behind his wife, two sons and one unmarried daughter. Both sons are married and doing mazdoori thereby earning approx. Rs.30-40/- per day and having one or two children. The deceased also left a Kachcha house consisting of two rooms in which the applicant no.1 is living at present alongwith her children. Therefore, it cannot be said that the deceased family is <sup>in</sup> indigent condition. They have further submitted that the applicants received an amount of Rs.64,434/- after the death of the deceased employee, apart from it Rs.1500/- plus 32% relief as pension per month. Since this case does not fall within the merit, compassionate appointment cannot be granted to the applicants. They have also relied the judgment of L.I.C. of India Vs. Mrs. Ashe Ramchandra Ambekar wherein the Hon'ble Supreme Court has held that the Tribunal has no power to direct appointment on compassionate grounds and the jurisdiction in mandamus cannot be exercised in this fashion and only <sup>can be</sup> ~~to~~ issue direction for consideration of the claim of the applicant.

4. The applicant in the Rejoinder affidavit has denied the fact that both sons are engaged as labourers and are earning Rs.30-40/- per day as alleged by the respondents

and have also disputed that they <sup>have</sup> owned Kachcha house consisting of two rooms as stated by the respondents. The counsel for the applicants relied on the decision given by the Hon'ble Supreme Court in the case of Balbir Kaur to suggest that compassionate appointment cannot be denied simply on the ground that the family has been given the retiral benefits after the death of the deceased employee.

5. I have heard both the counsel and perused the pleadings as well.

6. Perusal of the impugned order shows that no reasons what-so-ever have been given by the respondents while rejecting the claim of the applicants, therefore, it is absolutely <sup>laugh</sup> non-speaking order. The Hon'ble Supreme Court has repeatedly held that whenever a representation is given to the authorities, <sup>least that</sup> the <sup>authorities</sup> is expected from the authorities to pass a detailed and reasoned order so that it may satisfy the individual without dragging him to court of law. Since no grounds or reasons have been assigned by the respondents while rejecting the claim of the applicants, naturally the applicants would not know the reasons as to why their claim has been rejected. The respondents have stated that both the sons are employed and the family owns Kachcha house, which fact is disputed by the applicants. The respondents have not disclosed the basis on which they have said that both sons are working, nor have they produced any documents to substantiate their averments. Therefore, in my considered view such an order is not sustainable in the eyes of law and the same is accordingly quashed and set-aside. At the same time, I have to keep up <sup>my</sup> mind that these are the matters which have to be considered by the department on the basis of verification, which can only be made by the respondents. Therefore, this

matter is remitted back to the authorities with the direction to consider the claim of the applicants and verify the fact before passing a detailed and reasoned order within a period of three months from the date of receipt of copy of this order. The said order should be communicated to the applicant.

7. With the above directions, the O.A. stands disposed off with no order as to costs.



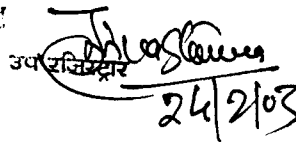
(Smt. Meera Chhibber)  
MEMBER (J)

Girish/-

पूरांकन सं ओ/व्या.....जबलपुर, दि.....

परिचयि जयें शिवा:-

- (1) सविन, मन्त्र व्यवसाय तार प्रमाणिका: जबलपुर
- (2) जयें शिवा: शिवा: ह. ....
- (3) जयें शिवा: शिवा: ह. ....
- (4) जयें शिवा: शिवा: ह. ....

  
24/2/03

Issued  
on 25.2.03  
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