

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 804 of 2000

Jabalpur, this the 14th day of May 2004

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

1. Smt. Mutra Bai, aged about 50 years, widow of late Shri Shantaram Vishwakarma, R/o. H.No. 1718/1, Chandmari Dwarka Nagar, Jabalpur.
2. Pramod Kumar Vishwakarma, aged about 29 years, s/o. late Shri Shantaram Vishwakarma, No. 1718/1, Lalmati Dwarka Nagar Ward, Jabalpur (MP). ... Applicants

(By Advocate - Shri Mukhtar Ahmed)

V e r s u s

1. Union of India, through Secretary, Ministry of Defence (Production) South Block, New Delhi.
2. Commandant Army Base Workshop, Post Box No. 41, Jabalpur 482001.
3. Colonel Administration Army Base Workshop, Post Box No. 41, Jabalpur - 482001 (MP). ... Respondents

(By Advocate - Shri B.da.Silva alongwith Shri T. Burrows)

O R D E R

By Madan Mohan, Judicial Member -

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


"(A) to quash the impugned order dated 7.8.2000 Annexure A/4 and the respondents be further directed to provide compassionate appointment to the applicant No. 2."

2. The brief facts of the case are that the father of the applicant No. 2 late Shri Shantaram Vishwakarma was in service with the respondents on a Group-D post. He died in the year 1987 leaving behind the applicants and two minor daughters. The applicant No. 1 is the widow of the

deceased Government servant. Late Shantaram Vishwakarma left no immovable property at the time of his death, and the family of the applicants was left to starve and the condition of the members are very miserable. Due to the custom of the community it was not possible for the applicant No. 1 to seek compassionate appointment. Therefore she continued to wait for her son the applicant No. 2 to attain majority. After attaining majority the applicant No. 1 moved several applications for compassionate appointment of applicant No. 2. The respondents sought certain particulars regarding consideration of the case of the applicants. In compliance the applicants submitted all the details required. The respondents informed the applicant No. 1 that the case of her son is being progressed for submission to higher authorities. When the applicants were not informed about the progress of the case, they made representations to the respondents. But the respondents finally turned down the request of the applicants for compassionate appointment. One Ashok Bakshi was given compassionate appointment despite of the fact that his brother is in service in the same office of the respondents. Similarly one more Shri M. John was also given compassionate appointment despite the fact that his real brother is in service. Aggrieved by this the applicants have filed this DA claiming the aforesaid reliefs.


3. Heard the learned counsel for both the parties and perused the records carefully.

4. It is argued on behalf of the applicants that after attaining majority^{of} the applicant No. 2, the applicant No. 1 has made several representations for compassionate appointment of applicant No. 2. In compliance of the



letter dated 15th March, 1996 the applicants submitted^{hall} the details required by the respondents but their case was not considered by the respondents properly, while compassionate appointments were given by the respondents to one Shri Ashok Bakshi and Shri M. John, despite the fact that their brothers were in service with the respondents.

5. In the reply the learned counsel for the respondents argued that the object of the compassionate appointment is to provide immediate assistance to the family of the deceased employee who died in harness leaving behind his family in indigent circumstances. If it is concluded that the family is not facing dire hardship, then the benefit of compassionate appointment cannot be extended to the claimant. He further argued that Shantaram Vishwakarma was an employee in the office of the respondents and expired on 3.1.1987, leaving behind the applicants two daughters and one son. The Army Headquarters considered the case of the applicants for compassionate appointment when the Board met in August, 1989 and the case of the applicants was rejected on merit. The eldest son namely Shri Anil Kumar was employed in the 506 Army Base Workshop, Jabalpur earning a salary of Rs. 6597/- per month. Both the daughters of the deceased Government servant are already married. So far as the case of Mr. Ashok Bakshi and Shri M. John it is argued on behalf of the respondents that the applicants have intentionally failed to bring to the notice of the Tribunal that the appointments of both the persons had taken place over a decade back and they have intentionally withheld the fact that their claim for compassionate appointment was turned down in the month of August, 1989. Hence there is no ground for compassionate appointment of the applicant No. 2.



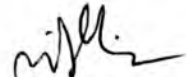
6. We have given careful consideration to the rival contentions made on behalf of the parties and on perusal of the records submitted by the respondents as per direction of this Tribunal vide order dated 26.3.2004, relating to the appointment of Shri Ashok Bakshi and Shri John Anthony, we find that in a letter dated 3rd January, 1987 written by the mother of Shri Ashok Bakshi for appointment of her son Ashok Bakshi, she had admitted that her eldest son is employed with the respondents and has his own family to support and is totally unable to help us in anyway whatsoever. In fact, he is separated from us since long. Similarly, in the case of Shri John Anthony, a note sheet dated 11th April, 1986 shows that the brother of Shri John Anthony, was also employed with the respondents and was staying with his family separately and is also not giving any financial support to the family of Shri John Anthony. ~~Shri~~ Both Ashok Bakshi and Shri John Anthony was given appointment on compassionate ground. The applicants are also ~~having~~ similar case and is also seeking same relief by this OA. In the case of the applicants also the eldest son of the applicant No. 1 is employed with the respondents. The case of the applicant No. 2 was not considered by the respondents, but in the similar cases the respondents have considered and given appointments to, two persons referred above.

7. In the circumstances, we are of the considered opinion that this OA can be disposed of by directing the applicants to make a detailed representation to the respondents, regarding claim of compassionate appointment to applicant No. 2, within a period of 15 days from the date of receipt of copy of this order. We do so accordingly. If the applicants comply with the above direction, then the respondents are

directed to consider the representation of the applicants for compassionate appointment of applicant No. 2 on par with the cases of Shri Ashok Bakshi and Shri John Anthony, and pass a speaking, detailed and considered order within a period of three months from the date of receipt of copy of this order.

8. Accordingly, the Original Application stands disposed of. No costs.

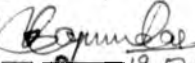

(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

कृपयाकन से ओ/व्या.....जबलपुर, दि.....
प्रतिलिपि लाने दित:-

- (1) सचिव, उच्च न्यायालय नगर एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/शु.....के कार्डसल Mukhtar Ahmed
- (3) प्रत्यक्षी श्री/श्रीमती/शु.....के कार्डसल B. das/ne
- (4) वर्यपाल, खे.प्र.अ., जबलपुर न्यायापीठ

सूचना एवं आवश्यक कार्यवाही हेतु 
उप रजिस्ट्रार 19.5.04

Final
on
20.5.04