

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 843 of 2000

Jabalpur, this the 21st day of January 2004.

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

Swatantra Kumar Kahar, aged
about 30 years, S/o Late
Ramesh Chandra Kahar,
Un-Employed, R/o House No.
1023, Sain-Baba Colony,
Jabalpur.

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India,
through: its Secretary,
Ministry of Communication,
Government of India,
New Delhi - 110 001.
2. The Chief General Manager,
Door Sanchar, Nirmani,
Jabalpur.

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

ORDER (ORAL)

By M.P. Singh, Vice Chairman :-

By filing this OA, the applicant has sought following
reliefs:-

- (i) That, the respondents be directed to issue the appointment against the post of labour to the applicant forthwith.
- (ii) That, the respondents be ordered to place the records pertaining to the appointments issued to the deceased employee in Jabalpur circle on the alleged recommendation made by high level committee.
- (iii) That, the appropriate legal action be initiated against the respondents for issuing false letter vide Annexure-A-9.

2. The brief facts of the case are that the father of the applicant was working as Examiner Gr.I in Telecom Factory Wright Town, Jabalpur. He died in harness on 26.2.1995. The widow of deceased Government servant has submitted an application on 11.10.95 for compassionate appointment of her son Shri Swatantra Kumar Kahar. His application was considered by High Power Committee in its 32nd H.P.C. Meeting held on 25/3/96 & 5/6/96 alongwith other cases ~~for~~ consideration for compassionate appointment. According

W : 3 :

they have followed the to the respondents/method in considering the case of the applicant on compassionate appointment as per direction given by the Tribunal on 3.3.94 in OA No. 683/93. The committee while considering the case of the applicant has taken into consideration, the financial condition and background of the applicant. Since the applicant did not secure adequate marks for the purpose of compassionate appointment, the case of the applicant was rejected. The case of the applicant has been reviewed in 35th HPC meeting held on 28.10.97 alongwith rejected case of 32nd HPC held on 25.3.96 & 5.6.96. The committee did not find it a fit case for compassionate appointment and again rejected it. According to the respondents applicant obtained poor marks i.e. 34 & 24 in 32nd HPC meeting & 35th HPC meeting respectively on merit, based on specific method adopted by the department. The name of candidates who have not been given compassionate appointment securing below 56 marks have been mentioned in Annexure-R-3.

3. The learned counsel for the respondents has drawn our attention to the minutes of meeting of the High Power Committee Annexure-R-3, It has been stated that in many other cases where the applicants secured even higher marks than Swatantra Kumar approached CAT, Jabalpur and all these cases were dismissed by CAT, Jabalpur. The details are as under.

S.NQ.	O.A.No.	Name of Party	CAT Case Decided on	Marks Obtained
1.	10/96	Sh. Pradeep Kumar S/o Lt. S.R. Vishwakarma	8.4.96	38
2.	725/96	Sh. Inder Kashyap S/o Lt. Dulichand	21.5.97	34
3.	177/95	Sh. Anant Ku. Patel S/o Lt. Phoolchand	7.8.95	47
4.	799/95	Sh. Sajid Ali S/o Lt. Mohd. Ali	14.2.96	28.

In this view of the matter the OA has no merit. and is

: 4 :

4. We have considered the rival contentions of the parties and perused the pleadings and other relevant material on record. We find that the case of the applicant has been considered twice and the applicant has been assigned 34 & 24 marks in 32nd HPC meeting & 35th HPC meeting respectively. Even those persons who secured higher marks than the applicant, ^{they} have not been considered for appointment on compassionate ground. Even the person who had secured 47 marks and 38 marks assigned by the High Power Committee, ^{they} have not been given compassionate appointment. They have challenged the action of the respondents in the Tribunal and the OAs had been dismissed by the Tribunal. We are therefore, satisfied that the case of the applicant has been considered by the respondents in accordance with scheme framed by them and it has not been found fit to consider his case for appointment. We therefore do not find any infirmity in the letter dated 26.10.98 issued by the respondents rejecting the case of the applicant.

5. In view of the above observations, the OA has no merit and the same is accordingly dismissed. No costs.


(G. Shanthappa)
Judicial Member

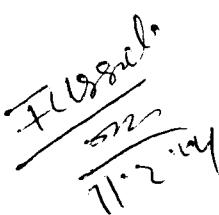

(M.P. Singh)
Vice Chairman

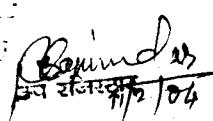
SKM

कृष्णगंगा सं. ओ/न्या..... अन्तर्दर. नि.....

वरिष्ठादिति विवेचन अधिकारी

- (1) राजिव, उमा अधिकारी, विवेचन अधिकारी, विवेचन अधिकारी, AL Jain, Adh.
- (2) अद्वेषक, ओ/न्या..... विवेचन अधिकारी, SA Dharmanil Kaur, Adh.
- (3) धर्मराज, ओ/न्या..... विवेचन अधिकारी, SA Dharmanil Kaur, Adh.
- (4) अद्वेषक, ओ/न्या..... विवेचन अधिकारी, SA Dharmanil Kaur, Adh.


SKM
11.2.99


Biju
11.2.99