

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER-SHEET

ORDERS OF THE TRIBUNAL

13/03/2014

O.A. No. 767/2012

Mr. Keshav Agarwal, Counsel for the applicant.
Mr. D.C. Sharma, Counsel for the respondents.

Heard the learned counsel for the parties.

Order Reserved.

Anil Kumar

(Anil Kumar)
Administrative Member

Date 19/03/2014

Order pronounced today in the
open court by the aforesaid Bench

AK
19/3/14
C.O

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.**ORIGINAL APPLICATION NO. 767/2012****ORDER RESERVED ON 13.03.2014****DATE OF ORDER: 19.03.2014****CORAM :****HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER**

Smt. Guddi Devi wife of Late Shri Nattho, aged about 36 years, by Caste Dhobi, resident of Near Sharma Type Centre, Neemda Gate Road, Bharatpur (Rajasthan).

... Applicant
(By Advocate: Mr. Keshav Agarwal).

Versus

1. Union of India through Principal Secretary, Ministry of Defense, New Delhi.
2. Lt. Col. Administrative Officer, For Commandant, Amonission Depot, Military Electrical Service, Bharatpur.

... Respondents
(By Advocate: D.C. Sharma)

ORDER

The brief facts of the case, as stated by the learned counsel for the applicant, are that the husband of the applicant, Late Shri Nattho, was working as Labour in Bharatpur with respondent no. 2. He died while in service on 05.01.2005 at Bharatpur. That after the death of her husband, the applicant submitted an application on 21.01.2005 praying for appointment on compassionate grounds.

2. The applicant's husband left behind him the applicant (wife) and one minor son. They are leading a very miserable life



after the death of Shri Nattho. The family of the deceased has no source of income for their livelihood. They are facing hardship and leading a life starvation.

3. However, the respondents have rejected the application of the application vide letter dated 01.12.2010 (Annexure A/1).

4. The learned counsel for the applicant submitted that the case of the applicant for appointment on compassionate grounds has been arbitrarily rejected. The applicant's family did not receive Rs.1,88,902/- as terminal benefits instead it got Rs.1,18,902/-. To support his averments, he referred to a Succession Certificate at Annexure R/7. He submitted that a total amount of retiral benefits in this case have been Rs.1,21,102/- from which Rs.2200/- are to be deducted because the deceased had a Saving Bank Account. He submitted that if this amount is deducted then the applicant would be entitled to get 09 marks instead of 05 marks. Therefore, the applicant is entitled for reconsideration of his case for appointment on compassionate grounds.

5. The respondents have submitted their reply. In the reply, they have submitted that the applicant's case for appointment on compassionate grounds was duly considered by the Board of Officers constituted for the purpose. The Board of Officers take various aspects as stipulated in MOD ID No. 19(4)/824-99/1998-D(Lab) dated 09th March, 2001, such as family size including ages of children, amount of terminal benefits, amount

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of family pension, liability in terms of unmarried daughter(s), minor children etc., movable/immovable properties left by the deceased at the time of death and recommends only the really deserving cases as per guidelines of marking system approved by the Ministry, that too if clear vacancy meant for appointment on compassionate ground exists within the ceiling of 5% Direct Recruitment vacancies.

6. On considering the various parameters as laid down, the applicant was considered thrice by the Board of Officer 2005-2006 to 2008-09 on 13.03.2010. The total marks obtained by the last candidate, who was considered alongwith the applicant and recommended for appointment on compassionate grounds were 65, 60 and 52 respectively. The applicant secured 48 marks for the third time. The case of the applicant was considered alongwith other candidates but because of the limited number of vacancies, it was not feasible to consider her case as there were more deserving candidates. Therefore, she could not be offered appointment on compassionate grounds.

7. The learned counsel for the applicant has also filed a rejoinder.

8. Heard the learned counsel for the parties, perused the documents on record.

9. From the perusal of letter dated 01.12.2010 (Annexure A/1), it is clear that the case of the applicant was considered by

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the respondents for three years. According to the respondents, the total marks obtained by the last candidate whose case was recommended for appointment on compassionate grounds were 65, 60 and 52. The learned counsel for the applicant has stated that the applicant has received Rs.1,18,902 as terminal benefits and not Rs.188,902/-, as stated by the respondents. Therefore, she will be entitled to get 09 marks instead of 05 marks. Moreover, it has not been disputed by the respondents that the applicant is a widow and she has a minor son. The husband of the applicant was working on the post of Labour. If she had secured 52 marks, she would also be entitled to get appointment on compassionate grounds.

10. Therefore, in view of the above discussion, the respondents are directed to reconsider the case of the applicant after verifying the total terminal benefits received by the applicant and also looking that the applicant is a widow and has liability of a minor son. This exercise may be completed in next four months or when the next Board of Officers meeting is held for the purpose, whichever is earlier.

11. With these directions, the OA is disposed of with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

AHQ