

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00491/2017

Jabalpur, this Thursday, the 11th day of April, 2019

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER

Ku. Evon Peter, D/o Late Shri Denis Peter, aged about 24 years,
R/o C/o Siraj Ahmed, E-75 Bungalow No.44/7, Mahaveer
Compound, Sadar District Jabalpur (M.P.) – 482001
(9617750991) **-Applicant**

(By Advocate – Ms. Premlata Lokhande)

V e r s u s

1. Union of India through its Dy. Director, Directorate General of Ordnance Services, Master General of Ordnance Branch, Integrated HQ of Mod (Army), New Delhi – 110105.
2. Central Command (Ord) Central Ordnance Depot, (Army) C/o 56 APO, Post Box No.20, Lucknow – (UP) – 908772.
3. The Commandant, COD, Jabalpur (M.P.) – 482001.
4. Union of India through Secretary, Defence Production, O/o 106, South Block, New Delhi - 110001 **-Respondents**

(By Advocate – Shri Pramod Chourasia)

O R D E R (O R A L)

Applicant is aggrieved by the fact that she has not been granted compassionate appointment.

2. She has made the following submissions in this O.A:

2.1 Her father, late Shri Denis Peter, was working as Fireman at COD in the respondent department.

2.2 He died on 02.02.2013 leaving behind single daughter, i.e. the applicant as mother of the applicant had already left for her heavenly abode on 15.11.2011.

2.3 The respondents had initiated the process for considering the case of the applicant for compassionate and prepared the status report, which is as under:

		Marks obtained	Out of Max Marks
Family Pension	Rs.5910/-	14	20
Terminal benefits	Rs.656382/-	06	10
Monthly Income	Nil	05	05
Movable/Immovable property	Rs.35000/-	08	10
Number of Dependants	01	05	15
Number of unmarried daughter	01	05	15
Number of Minor children	00	00	15
Left over service of deceased	7 years 7 months	04	10
	Total	47	100

2.4 It has been further submitted by the applicant that her application for compassionate appointment has been rejected vide letter dated 31.12.2016 (Annexure A-5), wherein it has been stated that her case has been recommended thrice. The marks obtained by the last candidates, who were considered along with the applicant and recommended were 73, 70 and

65 respectively, whereas the applicant has received only 47 merit points.

3. She has prayed for the following reliefs in this O.A:

“RELIEF SOUGHT

In view of aforesaid facts and ground of the case the Applicant most humbly pray for following relief:-

8.1 It is, therefore, prayed that this Hon’ble Court may kindly be pleased to set-aside the impugned order dated 31.12.2016 (A/5).

8.2 It is, therefore, prayed that this Hon’ble Court may kindly be pleased to direct the respondents to appoint the applicant on concern post as compassionate appointment.

8.3 To issue in the nature of mandamus command the respondents to consider the case of the applicant of compassionate appointment.

8.4 Any other relief as deemed fit and proper in the circumstances of this case, along with the cost of this writ petition be also awarded.”

4. The respondents, in their reply, have submitted that the applicant’s case was placed before the Board of Officers thrice, but her name could not come in the select list due to more deserving cases and limited number of vacancies.

5. The applicant has filed the rejoinder in which it has been stated that the marks given against each head, should have been more; 18 instead of 14 for family pension, 8 instead of 6 for

terminal pension, 10 instead of 8 for movable/immovable property, 15 marks instead of 5 for number of dependents and number of unmarried daughter and 8 marks instead of 4 for leftover service of deceased.

6. Heard both the parties and perused the pleadings available on record.

7. During the argument stage, learned counsel for the applicant was unable to demonstrate the entitlement of higher number of merit points, as per the calculation made by the applicant in her rejoinder.

8. Learned counsel for the respondents submitted that the marks have been given correctly as per the scheme.

9. Since, the number of vacancy, which can be filled up through compassionate appointment is limited to 5% of the total vacancies of the direct recruitment, the respondents have prepared the scheme through which merit points are awarded to a candidate considering the indigent condition of the family. Accordingly, the applicant has earned 47 merit points out of 100. Her case was considered thrice, but could not be recommended, as there were more deserving candidates, who obtained higher number of merit

points than the applicant. Therefore, I do not find any illegality or irregularity in the impugned order dated 31.12.2016 (Annexure A/5), rejecting the case of the applicant for compassionate appointment.

10. Accordingly, the O.A is dismissed, being devoid of merit.

No costs.

(Navin Tandon)
Administrative Member

am/-