

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/00185/2019**

Jabalpur, this Thursday, the 28<sup>th</sup> day of February, 2019

**HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER**  
**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Nitin Kumar  
S/o Late Shri Ram Autar,  
Aged about 29 yrs.  
Presently unemployed  
R/o Ward No.04 Hillatganj,  
Near Cantt. Police Thana,  
Sadar, Jabalpur (M.P.) 482001

**-Applicant**

(By Advocate –**Shri Akshat Shukla**)

**V e r s u s**

1. The Union of India,  
Through the Secretary,  
Ministry of Defense,  
Dte Gen Staff Duties,  
SD-7 (Adm. Civ),  
General Staff Branch  
Integrated HQ of MoD (Army)  
DHQ PO, New Delhi 110011

2. Deputy Director GS/SD-7 (Adm Civ)  
Integrated HQ of MOD (Army)  
DHQ PO New Delhi 110011

3. Commanding Officer, 1,  
Technical Training Regiment  
1 Signal Training Centre  
Sadar, Jabalpur (M.P.) 482001

**- Respondents**

**O R D E R (Oral)**

**By Navin Tandon, AM:-**

The applicant is aggrieved that his appointment on compassionate ground has been rejected by the respondents vide order dated 12.10.2017 (Annexure A/4).

2. The respondents vide their order dated 12.10.2017 have rejected the case of the applicant for compassionate appointment stating as under :-

*“5. However, BOO has rejected your case, due to the reason that you are married and as per DoP&T guidelines in vogue, married son is not eligible for appointment on Compassionate Grounds.”*

3. The applicant submits that the consolidated instructions on compassionate appointment-review of FAQs dated 30.05.2013/25.02.2015 with regard to married son has been issued by the DoP&T's Office Memorandum dated 05.09.2016 (Annexure A/8), has clarified as under:-

<i>Sl. No.</i>	<i>Question</i>	<i>Answer</i>
60.	<i>Whether 'married son' can be considered for compassionate appointment?</i>	<i>Yes, if he otherwise fulfills all the other requirements of the Scheme i.e. he is otherwise eligible and fulfills the criteria laid down in this Department's O.M. dated 16<sup>th</sup> January, 2013. This would be effective from the date of issue of this FAQ viz. 25<sup>th</sup> February 2015 and the cases of compassionate appointment already settled</i>

		<p><i>w.r.t. the FAQs dated 30<sup>th</sup> May, 2013, may not be reopened.</i></p> <p><i>Sr. No. 13 of the FAQs dated 30<sup>th</sup> May, 2013 may be deemed to have been modified to this extent.</i></p>
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4. Learned counsel for the applicant submits that the applicant would be satisfied if the respondents may be directed to reconsider his case in the light of the said DoP&T's O.M. dated 05.09.2016 in a time bound fashion.

5. In view of the above, we deem it appropriate to direct the competent authority of the respondents to reconsider the case of the applicant in the light of said DOPT's O.M. dated 05.09.2016 referred above, by passing a reasoned and speaking order, within a period of 60 days from the date of receipt of a certified copy of this order.

6. Accordingly, this O.A. is disposed of, at this admission stage. Needless to say that nothing has been commented on the merits of the case.

**(Ramesh Singh Thakur)**  
Judicial Member

**(Navin Tandon)**  
Administrative Member

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