



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 284 of 2013
MA 166 of 2013

Date of order : 8.9.2015

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

MANAS MONDAL & ANR.

VS

UNION OF INDIA & ORS. (DEFENCE)

For the applicants : Mr.P.C.Das, counsel

For the respondents : Ms.M.Bhattacharyya, counsel

O R D E R

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. This application has been filed seeking employment assistance on compassionate ground being aggrieved by rejection of the claim on the ground of receipt of terminal benefits, vide impugned office order dated 10.2.07., A further prayer is made to direct the authorities to consider grant of compassionate appointment in favour of applicant No.1 against any Group 'C' or Group 'D' post.

3. The admitted and indisputed facts are that MES-202135 Late Jogesh Chandra Mondal who was an employee of Garrison Engineer (North) Kolkata serving at Bagjola Military Camp Area, Kolkata in the capacity of Mason died on 27.1.03. The applicant NO.2, the wife of the deceased employee was granted family pension and other allowances as per existing rules in vogue as under :-

- (i) Family Pension : Rs.1710 + DA as applicable per month
(at present Rs.3500 + DA as applicable)
- (ii) GPF : Rs.1,60,671/-
- (iii) CGEGIS : Rs.47,182/-
- (iv) Death Gratuity : Rs.2,81,720/-
- (v) Leave Salary : Rs.34,656/-

The applicant No.1, son of the deceased employee applied for employment on compassionate ground on 3.4.03. The application of the applicant No.2 was included first time by a Board of Officers (BOO) for Quarter ending December 2003 along with other applications for compassionate appointment as Mazdoor/Peon as per the choice/option given by the applicant.

The Board of Officers scrutinized the applicant's application as per guidelines issued by Ministry of Defence by its ID No. 19(4)/804-99/1998-D(Lab) dated 9.3.01. According to the said guidelines relative merits of the applicants were decided by allotting points. The applicant scored 33 point out of 100, details of points being as under :-

(i)	Family Pension :	06
(ii)	Terminal Benefit :	00
(iii)	Monthly income of earning members and income from property :	05
(iv)	Moveable/immovable property (last market value) :	10
(v)	No. of dependent :	10
(vi)	No. of unmarried daughter :	00
(vii)	No. children (minor) :	00
(viii)	Left over service of Govt. servant :	02
Total		33

The Board of Officers did not recommend applicant's name along with others on account of no vacancy/ less deserving case in comparison to other applicants. Thereafter the applicant's name was empanelled and continuously included with the same marks i.e. 33 upto 03 years from death of MES/202135 Shri Jogesh Chandra Mondal (27.1.03) as per guidelines issued vide DG(Pers), E-in-C's Branch, Army HQ, New Delhi, letter No. B/22560/Policy/Vol.09/EIC(I V) dated 23.10.06.

The vacancies for compassionate appointment were issued by Engineer-in-Chief's Branch, New Delhi against ADRP 2003-04 in the year 2006 and the name of the applicant was considered by the Board of Officer for employment on compassionate ground. However, the applicant could not be offered employment on compassionate ground due to lack of merit as marks secured by the last candidate selected for appointment for Mazdoor/peon were 70 and 71 respectively. Accordingly, the applicant's application was rejected and speaking order was issued to the applicant by HQ CE Kolkata Zone vide No. 80522/61448/EI(2) dated 10.2.07. The applicant could not be offered employment on compassionate ground due to lack of vacancy. Thereafter his name was not included in further Boards for compassionate appointment, as ~~..... upto 03 years from date of applicant's father had expired.~~

The applicant being aggrieved with the issue of communication dated 10.2.07 filed the present application against non-consideration of his appointment on compassionate appointment.

3. Ld counsel for the respondents have taken a preliminary objection in regard to the bar of limitation as the order dated 10.2.07 has been challenged in 2013.

4. Ld. Counsel for the applicant has drawn my attention to the order dated 11.5.15 of this Tribunal wherein it has been recorded that vide letter dated 31.12.14 the applicant was asked to meet the CWE of Headquarters, CWES but when he presented himself he was not allowed to enter the premise. Liberty was given to the respondents to meet the applicant on any working day within a fortnight as per convenience and on prior appointment by issuing a letter addressing him.

5. Today during the course of hearing ld. Counsel for the applicant has drawn my attention to a letter dated 10.6.15 issued by the Garrison Engineer directing the applicant to meet CWE of Headquarters, CWE (S) Barrackpore on prior appointment - the official telephone number being provided to him. In view of the aforesaid communication since it appears that the respondents are desirous of considering the applicant for the claim he has put forth, the MA seeking condonation of delay in filing of the OA is allowed.

6. Consequently the OA is disposed of with a direction upon the authorities to consider the case of the applicant appropriately and in accordance with the law as the position would emerge after the applicant meets the concerned authority in terms of the letter dated 10.6.15. Let an appropriate and reasoned order be issued within two months from the date of such meeting.

7. The OA is accordingly disposed of. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (J)

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