

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

**Original Application No.200/344/2017**

Jabalpur, this Friday, the 06<sup>th</sup> day of December, 2019

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Ku. Samreen Baksh  
aged about 31 years,  
D/o Late Niyamat Baksh  
R/o 456 Dhalgar Mohalla  
Hanumantal Ward No.6,  
Abdul Kalam Azad Ward, J  
abalpur M.P. 482002

**-Applicant**

(By Advocate –**Shri Mukhtar Ahmed**)

**V e r s u s**

1. Union of India,  
through Secretary Department of  
Defence (Production)  
South Block  
New Delhi 110001

2. Director General /  
Chairman Ordnance Factories Board,  
10-A, Auckland Road,  
Kolkata 700001

3. General Manager  
Gun Carriage Factory (G.C.F.)  
Jabalpur 482001

4. Joint General Manager (Admin)  
Gun Carriage Factory  
Jabalpur (M.P.) 482001

**- Respondents**

(By Advocate –**Shri P.K. Chourasia**)

**ORDER (Oral)**

This Original Application has been filed by the applicant against the order dated 22.03.2016/30.03.2016 (Annexure A-8) whereby the respondents have rejected the case of the applicant for compassionate appointment.

2. The facts of the case are that the applicant's father was working on the post of Fitter (G) Mech. with the respondent-department who died in harness on 04.10.2012. The applicant's mother submitted a representation to the respondent No.3 for compassionate appointment on 26.11.2012 (Annexure A/3). The applicant was informed by the respondents vide letter dated 10.06.2013 that she was considered against the 5% limited vacancy quota and there were 55 cases against 02 vacancies and her name appeared at serial no. 51. Therefore applicant's case cannot be considered. On 02.09.2014 the applicant's case was again reconsidered against 01 vacancy and she has scored 33 merit points. Therefore, her case was not eligible for

grant of compassionate appointment. The applicant submitted representation dated 09.04.2015 for providing compassionate appointment. Vide communication dated 16.12.2015 the applicant was informed that her case was placed at serial No.84 in the order of seniority.

3. The respondents have filed their reply wherein it has been submitted by the respondents that the applicant's case has been considered sixteen (16) occasions by the screening committee meeting and the case of the applicant is still under consideration as on date. It has been submitted by the applicant that the only ground is of lack of vacancies within the limited 5% quota and it was found that there were cases which were having relatively much higher grading than the marks of applicant and were far more indigent and deserving than the case of the applicant.

4. The applicant has submitted rejoinder to the reply filed by the respondents reiterating its earlier stand taken in the O.A. It has been submitted by the applicant that as

many as 40 candidates have been given compassionate appointment in 2012. Four persons have been appointed in 2018 on compassionate grounds. The list of 40 candidates is filed as Annexure A-17.

5. Respondents have filed additional reply to the rejoinder wherein it has been submitted detail grading scale of all the 40 cases in which the candidates have been appointed on compassionate appointment during the period of January 2012 to June 2018.

6. I have heard the learned counsel for both the parties and have also gone through the documents annexed with the pleadings.

7. From the pleadings itself it is very clear that the applicant is being considered repeatedly since 2012. The contention of the applicant put forth in the rejoinder that 40 persons have been given compassionate appointment in the year 2012 is wrong which has been clarified by the respondents as indicated in Para 1 of the reply to the

rejoinder. From the said Para it is very clear that there is a list of 40 persons who have been appointed on compassionate grounds and these 40 persons have been appointed from the year January 2012 to June 2018. It has been specifically submitted by the respondents that the applicant has been considered at various occasions i.e. 16 times by screening committee and on the ground of limited vacancy the case of the applicant was not considered in the relative higher grading and the more eligible and indigent individuals were offered appointment. In view of this I am of the confirmed opinion that the case of the applicant has been considered for 16 occasions and the applicant could not find place in the final select list as per vacancy available. In Para 7 of the reply of the respondents it has been specifically stated that the applicant's case is still under consideration for compassionate appointment as on date. Meaning thereby the case of the applicant can also be considered for compassionate appointment in the future screening committee also.

8. In view of the above, this Original Application is disposed of with the direction to respondents to consider the case of the applicant in future compassionate appointment as indicated in Para 7 of the reply of the respondents. No costs.

**(Ramesh Singh Thakur)**  
**Judicial Member**

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