

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 1357/2002

13

This the 4th day of April, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

1. Smt Zabhin Devi  
W/o Late Sh. Bhoop Singh
2. Sh. Naurang Singh  
S/o Late Sh. Bhoop Singh

Both Residents of

Mohalla Rai Bawi  
Village & P.O. Murthal  
Distt. Sonapat, Haryana.

...Applicants

(By Advocate: Sh. L.C.Rajput)

Versus

1. The Lt. Governor  
NCT of Delhi  
through Chief Secretary  
Indra Gandhi Indore Stadium  
New Delhi.
2. The Deputy Secretary (Services)  
Govt. of NCT of Delhi  
(Service-II Department)  
Delhi  
Delhi Secretariat A-Wing  
Fifth Level, I.P.Estate  
New Delhi.

...Respondents

(By Advocate: Sh. T.D.Yadav proxy for  
Sh. Vijay Pandita)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

This is an OA filed by the applicant seeking appointment on compassionate grounds. Applicant has impugned order dated 12.10.2001 vide which his request for appointment on compassionate grounds have been rejected. While rejecting the request the respondents had taken a view that the request is being rejected as per the instructions/guidelines contained in scheme for compassionate appointment dated 14.12.99. They had also reiterated their earlier decision as taken in the meeting dated 17-19.4.2000. Further they had also mentioned that there were shortage of vacancies and



-2-

besides that the economic status of the family was also taken into consideration and the case of the applicant was not found fit for giving appointment on compassionate grounds. (14)

2. Counsel for applicant had submitted that though the respondents has taken the plea of shortage of vacancies but Delhi Administration has large number of departments and large number of employees are working in the Delhi Administration so they cannot be allowed to take this plea.

3. As far the economic status of the applicant is concerned, the applicant submitted that at the time when the case was considered for the second time, applicant informed the department that he is no more in service, so his case be considered for appointment on compassionate grounds. Counsel for applicant has also referred to a judgment of Balbir Kaur vs. Steel Authority of India reported in AIR 2000 SC 1956 wherein the Hon'ble Supreme Court has given the directions that retiral benefits were taken into consideration while determining the status of the family. Counsel for applicant also referred to a judgment reported in AIR-1999 SC 564 where directions were given to the respondents to take immediate steps for giving employment to the second son of the applicant. Counsel for applicant then also referred to another judgment reported in AIR 1989 SC 1976 (Sushma Gosain Vs. UOI) wherein it is directed that if there is no post for appointment on compassionate grounds than a supernumery post be created for the applicant.

4. However, as against this respondents submitted that as per the judgment given by Hon'ble Supreme Court in LIC vs. Asha Ram Chandra Ambedkar and others reported in JT 1994 (2) SC 83 wherein Hon'ble Supreme Court has observed that High Court and

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-3-

the Administrative Tribunals cannot give directions for appointment on compassionate grounds but can direct consideration of the case for such an appointment.

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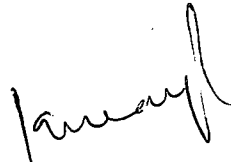
5. In this case since the case of the applicant has been considered twice by the respondents and the respondents have found that applicant does not come up to the mark as per the guidelines given by the DOPT as on 3.12.99 and besides that vacancies against which appointment on compassionate grounds was made are limited to 5% of vacancies assigned in a year so on that ground also case of the applicant has been rejected, since the number of vacancies on compassionate appointment quota are not available to the respondents.

6. I have considered the rival contentions and have also perused the records. As far the economic status of the applicant is concerned, respondents have placed on record a certificate issued by H.K.Middle School, Murthal (Sonapat) issued as long back as 2.12.96 which has been countersigned by Sub-Divisional Education Officer also. According to this, applicant was working as a trained teacher since 1.4.95 and was drawing a basic salary of Rs.1200/- plus perks etc. which means that the economic status of the applicant did not warrant that compassionate appointment should be granted. Since the applicant was already in employment merely because when his case was taken up second time at his request, the applicant then ceased to be in employment that is not a case for grant of employment because when the case was taken up for the first time he was already in employment. Thus the applicant was well gainfully employed. Thus his case was not within the purview of Scheme for compassionate appointment.

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7. As such I am also of the view that the applicant is not entitled for compassionate appointment and no interference is called for. Accordingly, OA is dismissed.

(16)



( KULDIP SINGH )  
Member (J)

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