

Central Administrative Tribunal
Principal Bench

OA 3173/2002
MA 2725/2002
MA 2726/2002

New Delhi, this the 29th day of August, 2003

Hon'ble Smt. Lakshmi Swaminathan, VC(J)

1. Smt. Premwati Devi
Widow of late Sh. Bhisham Singh
(formerly - Binder, Govt. of India Press)
Aligarh (U.P.)

Present address:
C/o Shri Sonpal Singh
Retired Overseer,
House No. 2/639, Begum Bagh
Aligarh (U.P.)

2. Shri Hari Babu
S/o Late Sh. Bhisham Singh
(formerly - Binder, Govt. of India Press)
Aligarh (U.P.)

Residential address: (as that of his mother
applicant No.1)

(By Shri D.N.Sharma, Advocate)

..... for applicants.

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1. Union of India
(Through: The Secretary to the Govt. of India)
Ministry of Urban Development &
Poverty Alleviation, Govt. of India)
Nirman Bhavan, New Delhi.
2. The Director of Printing
Govt. of India
'B' Wing, Nirman Bhawan
New Delhi.
3. The Manager
Govt. of India Press
Aligarh (U.P.).

(By Shri Ravi Kant proxy counsel
for Shri Arun Bhardwaj, Advocate)

... for Respondents.

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan,

Heard both the counsel for parties.

2. This application has been filed by two
applicants namely Smt. Premwati Devi, Applicant No.1

widow of deceased Shri Bhisham Singh and her son Shri Hari Babu (Applicant No.2), on whose behalf compassionate appointment is sought. The applicants have impugned the letter issued by respondents dated 23.11.2000.

3. The relevant portion of the impugned letter issued by the respondents reads as follows:

" This is to inform you that the case of compassionate appointment of your son, was considered sympathetically by the Directorate of Printing, New Delhi, but it is regretted that the case was not found fit for compassionate appointment because late Sh. Bhisham Singh served for 36 years and 4 months and thus was eligible for pension. In addition to it his family received after the death Rs. 2,21,332/- and amount of family pension Rs. 1975/- plus dearness relief."

4. Learned counsel for the applicant has submitted that the above grounds taken by the respondents in the impugned letter are not valid and sustainable. He has submitted that applicant No.2 is the only son of the deceased Govt. employee who is, unemployed though married with children and so on. He has submitted that compassionate appointment is a social security towards the family of a Govt. servant dying while in service, as the deceased employee had died in a motor accident on 07.08.1998. According to him, the family pension of Rs. 1975/- plus dearness relief paid to the family as well as other retiral benefits amounting to Rs. 2,21,332/- are not grounds for the respondents to have rejected the request of applicant for compassionate appointment of applicant No.2. He has also submitted that vide Department of Personnel and Training OM No.14014/19/2002-Estt.(D) dated 05.05.2003, the period of one year limit for grant of compassionate appointment has been extended to a period of three

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years in deserving and genuine cases which come within the guidelines contained in the earlier OMs issued by that Department.

5. The above submissions have been controverted by the respondents. I have also heard Shri Ravi Kant learned proxy counsel for the respondents. The averments made by the respondents in paragraphs 5 & 6 of the counter affidavit are relevant. It is clear from these submissions that the Compassionate Appointment Committee had considered the case of the applicant, taking into account the provisions of the Scheme and have indeed taken a balanced and objective view of the matter, which includes the financial conditions of the family.

6. In the facts and circumstances of the case I am unable to agree with the contentions of Shri D.N.Sharma, learned counsel for the applicant that the family pension with dearness relief being paid to the family of the deceased Govt. employee and other retiral benefits received by them of more than 2 lakhs have to be ignored while considering the case of applicant No.2 for compassionate appointment, in terms of Govt. of India Scheme on the subject. The reasons given by the respondents in the impugned letter dated 23.11.2000, including the fact that the late Shri Bhisham Singh served more than 36 years and was thus eligible for pension and the other grounds are indeed relevant to the issue of granting compassionate appointment to his family. In the circumstances of the case it cannot be held that the family of the deceased Govt. employee is indigent or ind destitute

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circumstances justifying allowing the OA by directing the respondents to reconsider the case of applicant No.2 for compassionate appointment.

7. The DoP&T OM dated 05.05.2003 extending the time limit from one year to three years, which has to be considered by the Compassionate Appointment Committee, would not be applicable to the facts and circumstances of the present case. That OM would be applicable to cases of appointment to genuine and deserving cases, which has to be considered under the norms laid in the other OMs/Scheme of the Govt. of India. For the reasons given above as it cannot be held that the family of the deceased Govt. employee falls within that category, that condition is not fulfilled. In the circumstances of the case the submissions of Shri D.N.Sharma, learned counsel for the applicant that a further directions should be given to the Compassionate Appointment Committee for reconsideration of the case of the applicant so as to keep the case alive for a period of three years does not also appear to be justified and is accordingly rejected.

8. In the result for the reasons given above, as there is no merit in this application, the same is dismissed. No orders is to cost.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
VC(J)

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