



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A No. 3038/2018

Reserved on : 05.02.2020

Pronounced on : 11.02.2020

Hon'ble Ms. Aradhana Johri, Member (A)

Shri Mahendra Pratap Singh, Age 28
 S/o. Shri Hemender Singh
 R/o. H. No. 2987, 4th Floor, Sita Ram Bazar,
 New Delhi – 110 006.Applicant

(By Advocate : Mr. Vishwendra Verma)

Versus

Govt. of India Press,
 Minto Road, New Delhi – 110 002
 Through its Chairman ...Respondent

(By Advocate : Mr. Rajive R. Raj)

ORDER

The father of the applicant Sh. Mahendra Pratap Singh, was Late Sh. Hemraj Singh, who was working as Riso Graph Operator with the respondent organisation and retired after attaining the age of superannuation from Government service on 30.06.2013. He got the benefits related to retirement after his retirement. Sh. Hemraj Singh expired after meeting with an accident on 11.04.2015. The family pension etc was paid to his legal heirs.

2. The applicant has filed this O.A for appointment on compassionate grounds in place of his father. The



applicant has stated that he is disabled and has filed certain certificates from various hospitals to show that he is physically disabled. It is his claim that since he is physically disabled and his family is in dire financial strains, therefore, he comes under the eligibility conditions for getting compassionate appointment.

3. The respondents have denied the claim of the applicant. They have stated that the applicant has not come with clean hands. They have pointed out that the applicant's father Late Sh. Hemraj Singh died on 11.04.2015 almost two years after he retired on superannuation on 30.06.2013. Therefore, as per the compassionate appointment scheme circulated vide DoP&T office memorandum No. F.No. 14014/02/2012-Estt. (D) dated 16.01.2013, he is not eligible for appointment on compassionate grounds.

4. Heard Mr. Vishwendra Verma, learned counsel for applicant and Mr. Rajive R. Raj, learned counsel for respondents.

5. It is an admitted fact that applicant's father retired after attaining the age of superannuation on 30.06.2013 and expired almost two years thereafter on 11.04.2015. For the sake of clarity it becomes necessary to see the



clauses of the scheme of compassionate appointment. Para 2 of the scheme reads as follows :-

"TO WHOM APPLICABLE"

To a dependent family member –

(A) of a Government servant who –

- (a) dies while in service (including death by suicide); or*
- (b) is retired on medical grounds under Rule 2 of the CCS (Medical Examination) Rules 1957 or the corresponding provision in the Central Civil Services Regulations before attaining the age of 55 years (57 years for erstwhile Group 'D' Government servants); or*
- (c) is retired on medical grounds under Rule 38 of the CCS (Pension) Rules, 1972 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years (57 years for erstwhile Group 'D' Government servants); or*

(B) of a member of the Armed Forces who –

- (a) dies during service; or*
- (b) is killed in action ; or*
- (c) is medically boarded out and is unfit for civil employment."*

Note I **"Dependent Family Member"** means:

- (a) spouse ; or*
 - (b) son (including adopted son); or*
 - (c) daughter (including adopted daughter); or*
 - (d) brother or sister in the case of unmarried Government servant or*
 - (e) member of the Armed Forces referred to in (A) or (B) of this para,*
- - - who was wholly dependent on the Government servant/member of the Armed Forces at the time of his death in harness or retirement on medical grounds, as the case may be."*

Note II **"Government servant"** for the purpose of these instructions means a Government servant appointed on regular basis and not one working on daily wage or casual or apprentice or ad-hoc or contract or re-employment basis.



Note III “Confirmed work-charged staff” will also be covered by the term ‘Government servant’ mentioned in Note III above.

Note IV “Service” includes extension in service (but not re-employment) after attaining the normal age of retirement in a civil post.

Note V “Re-employment” does not include employment of ex-serviceman before the normal age of retirement in a civil post.”

6. It is clear from the above para that benefits of the scheme can only be availed of by dependent family members of a Government employee who dies while in service or is retired on medical grounds under various provisions. None of these two situations applies in the present case. Therefore, the benefits of the scheme for compassionate appointment do not apply to the applicant of this O.A. The Hon'ble Apex Court has held that compassionate appointment is not a matter of entitlement nor is it an alternative mode of recruitment. It is only given in exceptional circumstances when the government employee dies in harness and the family is indigent and deserves immediate assistance for relief from financial destitution.

7. In light of above, this O.A has no merit and is dismissed. There is no order as to costs.

(Aradhana Johri
Member (A))

/Mbt/