CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1181/99

New Delhi this the 7th day of December, 1999.

Hon'ble Sh. S.P. Biswas, Member(A)

Smt. Bimla Devi,
W/o late Sh. Suraj Pal,
R/o WZ 640, Naraina(Vill.)
New Delhi.   ....   Applicant

(through Mrs. Protima Gupta, Advocate)

versus

1. The Secretary,
    Cabinet Secretariat,
    North Block,
    New Delhi.

2. Director Administration,
    A.R. Centre,
    CGO Complex,
    Lodhi Road,
    New Delhi.

3. Director Administration,
    D.G.S. Cabinet Secretariat,
    East Block, R.K. Puram,
    New Delhi.   ....   Respondents

(through Sh. S.M. Arif, Advocate)

ORDER(ORAL)

        Applicant, widow of late Sh. Suraj Pal, a
permanent Safaiwala under the respondents is before
us seeking relief in terms of compassionate
appointment following the death of her husband in
harness on 17.09.96.

        2. Mrs. Protima Gupta, learned counsel
for the applicant drew our attention to the details
of family conditions as well as the economic
distresses the family is passing through which
would warrant immediate due consideration of

compassionate appointment in favour of the applicant. In a nut shell, the applicant, aged around 30 years, has two children aged 10 and 7 years respectively. The family has no house to live nor alternative source of income to fall back upon. It is also submitted that the applicant belongs to Schedule Caste community which by itself desreves special consideration because of reservation in appointments. Mrs. Gupta, learned counsel for the applicant would submit that the applicant fulfills all the conditions for compassionate appointment in terms of the latest instructions of the Government of India in O.M. No. 14014/6/94-Estt.(D) dated 09.10.98.

3. Sh. S.M. Arif, learned counsel for the respondents would submit that the applicant has submitted the details in a requisite proforma on 07.11.99 and her case will be considered in terms of the law laid down on the subject. It is also submitted by the respondents that the applicant will get revised pension of Rs. 1518/- P.M. after she submits the necessary documents to the Directorate.

4. The position of law in respect of compassionate appointment is now well settled in a catena of decisions of the Apex Court in the case of Life Insurance Corporation of India Vs. Asha Ramchander Ambekar (1994 SCC (L&S) 737; Haryana

State Electricity Board Vs. Naresh Tanwar (1996(2)JT 542); Umesh Kumar Nagpal Vs. State of Haryana (1994(4)SCC 138) and Jagdish Vs. State of Bihar (1996(1) SCC 301). The consideration which goes to the root of such matters is that the family is in serious economic distress and is in need of immediate succour to take the members of the family out of the situation of starvation. The object of the provision is to give succour to the family to tide over sudden financial crisis on account of untimely demise of the sole earning member. As per the details available before us, it is evident that the main criterion which forms the foundation for such consideration is fulfilled in this case. Based on the materials available on records, applicant's case appears to be one where the respondents could even consider her appointment by relaxation of rules in the light of judicial pronouncements of the Apex Court in the cases of Bhagwati Prasad Vs. Delhi State Development Corporation (1990(1)SCC 361) and All Manipur Substitute Teachers Association Vs. State of Manipur (AIR 1991 SC 2088).

5.   In the background of position of law, as aforesaid and the detailed facts, the O.A. is allowed with the following directions:-

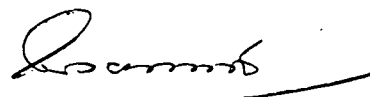   i.   The respondents shall consider the case of the applicant for

appointment on compassionate ground against a suitable Group-D post within a period of 8 weeks from the date of receipt of a copy of this order.

ii. While considering the applicant's case, the respondents shall keep in mind that the applicant belongs to scheduled caste community.

iii. The applicant shall also be informed of the position accordingly within a period of three months from the date of receipt of a copy of this order.

iv. No costs.

(S.P. Biswas)
Member(A)