

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 156 of 1999

New Delhi, this the 6th day of January, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

(26)

Shri Vinod Kumar
S/o Late Shri Ram Singh
SI Delhi Police,
R/o Village Shersha, PO Rai,
District Sonepat, Haryana.

-APPLICANT

(By Advocate: Shri Raj Kumar Maan)

Versus

1. Commissioner of Delhi Police
Police Head Quarters,
Near ITO Building,
New Delhi.
2. Union of India
Ministry of Home,
New Delhi through Home Secretary. -RESPONDENTS

(By Advocate: Shri A.K. Chopra, proxy for Shri R.K. Singh)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant whose father was working in Delhi Police had died in harness on 18.11.1997. Thereafter the applicant applied for job in Delhi Police on compassionate grounds. His application had been rejected vide impugned order dated 15.7.98 whereby the Police Commissioner was of the view that after taking into account the financial condition of the deceased, liabilities and all other relevant factors such as the presence of earning member, size of the family, age of the deceased at the time of death and the ages of the children and the essential needs of the family as well as instructions of the Government of India and the judgment of the Hon'ble Supreme Court in the case of Umesh Kumar Nagpal Vs. State of Haryana, the request for

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compassionate appointment was rejected.

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2. The learned counsel for the applicant submitted that the respondents had conducted no enquiry about the financial condition of the deceased family nor they had examined whether the applicant had any source of income or not and whether any member of the family is employed or not and have failed to consider that there was no source of income of the applicant's family and as such this order had been passed in a routine manner.

3. The learned counsel appearing for the respondents submitted that the case of the applicant was processed and it was found that the family of the deceased consists of wife, one daughter and one son. Daughter is already married and resides with her in-laws. The wife was paid DCRG amounting to Rs.4,10,517/- odd and is also drawing family pension at the rate of Rs.2750/- p.m. plus DA admissible as per rules and besides that she has also a house valued at Rs.55,000/- in her possession at native place Village Shersha, District Sonepat (Haryana), so the department stated that they had considered the relevant factors and as per the relevant instructions the case of the applicant is covered by those instructions for appointment on compassionate grounds.

4. In the rejoinder, the applicant has not denied the facts as stated in the counter but has simply stated that the respondents have not disclosed the reasons for rejecting the representation for compassionate

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appointment, as the order of rejection is illegal.

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5. The learned counsel for the applicant has also referred to a judgement reported in 2000 (4) Scale 670, Balbir Kaur & anr. vs. Steel Authority of India Ltd. & ors., relevant portion of which reads as under.

"Family Benefit Scheme cannot be in any way equated with the benefit of compassionate appointments. The sudden jerk in the family by reason of the death of the bread earner can only be absorbed by some lump sum amount being made available to the family. This is rather unfortunate but this is a reality. The feeling of security drops to zero on the death of the bread earner and insecurity thereafter reigns and it is at that juncture if some lump sum amount is made available with a compassionate appointment, the grief stricken family may find some solace to the mental agony and manage its affairs in the normal course of events."

6. It appears from the pleadings available on record that the respondents, while considering the case of applicant for compassionate appointment, had taken into consideration the terminal benefits given to the family members of the deceased employee. However, as per the observations of the Hon'ble Supreme Court in the case of Balbir Kaur (supra), quoted above, the retiral benefits given to the family members of the deceased employee could not be equated with the benefit of compassionate appointment as the same had been given to them to comply with the mandate of statute, after the early death of the employee.

7. Under these circumstances, I am of the opinion that the impugned order rejecting the prayer of the

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applicant for appointment on compassionate grounds cannot be sustained as the respondents while considering the case of applicant for compassionate appointment, had taken into consideration the terminal benefits given to the family members of the deceased employee. The impugned order is, therefore, quashed and the O.A. is allowed to the extent that respondents shall consider the case of applicant for compassionate appointment within a period of three months from the date of receipt of a copy of this order, as per the instructions on the subject and in accordance with the observations of the Hon'ble Supreme Court in the case of Balbir Kaur vs. SAIL (supra). No costs.

Kuldeep Singh
(KULDIP SINGH)
MEMBER (JUDL)

Rakesh