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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-515/99

New Delhi this the 3rd day of June, 1999.

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

Smt. Raj Kumari Devi,
Widow of late Sh. Baij Nath,
R/o D-17/378, Sector-3,
Rohini, New Delhi. Applicant

(through Sh. H.C. Sharma, advocate)

versus

1. Union of India through
Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Commissioner of Police,
Delhi Police Hqrs.,
I.P. Estate, New Delhi. Respondents

(through Sh. Ajesh Luthra for Ms. Jyotsna Kaushik)

ORDER

The applicant, widow of late Sh. Baij Nath, is aggrieved because of respondents inaction in not considering her name for appointment on compassionate grounds following unfortunate demise of her husband as well as non-settlement of the pensionary dues, particularly family pension.

2. It is the case of the applicant that she is entitled to be considered for appointment on compassionate grounds after the death of her husband, Sh. Baij Nath (Constable No.746/L). The husband of the applicant died on 14.4.98 when he was approximately 35 years of age. The applicant has no means of livelihood, no immovable property, no gainfully employed son nor any other source of income that could support the family. Under these circumstances, the learned counsel for the

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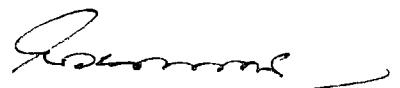
applicant argued that she fulfills all the conditions for offer of appointment in the appropriate category on compassionate grounds. The 1d. counsel also drew our attention in this respect to the communication dated 1.5.98 addressed to Deputy Commissioner of Police, Delhi.

3. The respondents have denied the claims. It is submitted that Sh. Baij Nath ex-Constable (husband of the applicant) was appointed in Delhi Police as Constable on 20.07.78. On 5.6.95 while working in the provisional lines unit, a departmental enquiry was conducted against the applicant for unauthorised absence and the applicant was removed from service vide order dated 12.8.95. After the expiry of about 2 years and 8 months, Constable Baij Nath expired on 14.4.98.

4. We find that according to Rule 5(b) of Delhi Police (Appointment & Recruitment) Rules, 1980 and Instructions of D.O.P.&T dated 30.6.87, compassionate appointment can be given to the member of a family of a Government servant who is the sole bread earner of the family but dies in harness leaving behind family/family members in immediate need of assistance. Sh. Baij Nath, husband of the applicant herein, was removed from service by way of punishment in August 1995 and died after about 2 years and 8 months. He did not die while in service. The conditionalities for offer of compassionate appointment, as stipulated by the Apex Court in the long line judgements as well as D.O.P.&T instructions are not fulfilled.

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5. In view of the above, the O.A. is dismissed. Our orders aforesaid will not stand in the way of the respondents in settling the applicant's claim towards C.G.E.I.S. and D.P.M.W.S. etc. which, as per respondents, are already in the process. No costs.


(S.P. Biswas)
Member (A)

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