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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.685/99

Hon'ble Shri R.K. Ahooja, Member(A)

New Delhi, this the 25th day of August, 1999

Miss Tara Pant
D/o Late Shri Suresh Chandra Pant
R/o G-16, Type II, Police Station
Hauz Khas, New Delhi 110 016

....Applicant

(By Advocate: Shri R.P. Kapoor)

Versus

1. Lt. Governor
Raj Niwas, Delhi
2. The Commissioner of Police
Head Office
I.P. Estate, New Delhi
3. Deputy Commissioner of Police-III
PHQ, I.T.O., New Delhi

....Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R

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The applicant's father who was an Assistant Sub Inspector in Delhi Police, died in harness on 18.8.1994 leaving behind his widow, four daughters and a minor son. The widow applied for compassionate appointment but her request was rejected by an order dated 1.12.1994 in regard to the post of Constable but it was mentioned that she could be considered for appointment as a Class-IV employee. The request for such consideration was also declined by order dated 5.4.1995. The subsequent request made on behalf of the second daughter was also rejected on 12.8.1996. The applicant submits that she is the third daughter. Her case also is that ^{she} ~~the applicant~~, being eligible to be given employment on compassionate ground, made a request for compassionate appointment but the same was

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also rejected by order dated 11.11.1997. She also approached the office of the Lt. Governor and was given to understand that her case for appointment as a Clerk/Head Constable was approved and stay on vacation of government quarter was also granted. However, though physical verification of the petitioner was carried out, no appointment order was issued to her and instead the impugned letter dated 11.11.1997 was received rejecting her appointment on compassionate ground. Further representation was also rejected on 25.2.1999. The applicant submits that there is no other earning member in the family. The family has a kutcha house at district Pithoragarh (U.P.) as well as a 125 sq.yds. plot in Rohini Sector 7, Delhi. The widow gets a pre-revised family pension of Rs.690/- p.m. The death-cum-retirement gratuity of her late father had been utilised at the time of marriage of her elder sister. The applicant submits that the respondents have not properly considered the difficult financial situation of the family and the rejection of her appointment on compassionate ground is arbitrary and mala-fide.

2. The respondents, in their reply, have submitted that the case of the widow was first considered for the post of Constable but as she was too short in height, her option for consideration for a Class IV post was called for. Later that request was also considered but had to be rejected. They submit that the applicant had approached the Lt. Governor and a direction was later received for her appointment as Head Constable(Ministerial), but the difficulty in her

appointment was conveyed to the Govt. of NCT, Delhi. The applicant was also informed about the rejection of her petition. A similar representation received through the office of the Home Minister of India was also similarly dealt with. The respondents pointed out that the appointment on compassionate ground is not a vested right. There is also a ceiling of 5 per cent in regard to the vacancies to be filled up through compassionate appointment. The case of the applicant as well as of her mother had been repeatedly examined but was not accepted by the committee under the chairmanship of the Commissioner of Police.

3. It was argued by the learned counsel for the applicant that the respondents ^{can}~~will~~ not take into account the terminal benefits received by the family while considering the case for compassionate appointment since otherwise no case of compassionate appointment will be justified. This argument is only to be mentioned in order to be rejected. The purpose of providing compassionate appointment is to mitigate the immediate unexpected hardship and distress of the family. In assessing the immediate hardship and distress the resources of the family are to be taken into account. The financial resources provided by way of terminal benefits to the widow and her family would necessarily be part of such consideration.

4. It was also contended by the learned counsel that the deceased had left behind four daughters and a minor son who were yet to be settled in life. The purpose of compassionate appointment is not to restore the family

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to its previous financial status but only to mitigate the immediate hardship. The first daughter has already been married. Nothing has been stated about the second daughter. The applicant is the third daughter. The widow is getting a revised pension of more than Rs.2000/- p.m. Admittedly, there is a kutcha house available in village and a small plot of land is also available in Delhi in Rohini. However, the difficult financial position of the family it may be that there are more difficult cases which have to be adjusted within the five per cent limit. The case of the applicant and her mother has been considered repeatedly by the respondents even on the intervention of the Lt. Governor and the Home Minister of India. Even so, sufficient justification for applicant's appointment could not be found. The respondents have a difficult task in determining the more deserving among the deserving cases. In view of the terminal benefits, amount of pension and the land owned by the family, however small, it cannot be said that there was no basis for the respondents' decision and it can^{not} be said that ~~the~~ the applicant's case has been rejected in an arbitrary manner.

5. It was argued by the learned counsel for the applicant that the respondents had not taken this ground regarding comparative merit in view of the limited vacancies available, in the reply sent to the applicant. He submitted that the applicant had a right to know as to ~~how~~ who are the more deserving cases and she has to be given justification to show that hers was not a more deserving case. As already stated,

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compassionate appointment is not a vested right and is only an exception to the regular appointments made specifically for the purpose of mitigating immediate hardship. A committee has been constituted by the Delhi Police under the Chairmanship of the Commissioner of Police himself to examine the various cases. Five years have already passed since the death of the Government servant. At least one of the daughters has since got married. The respondents have also overlooked the unauthorised occupation of the Govt. quarter for such a long period. It cannot, therefore, be said that they have been unsympathetic. After her case has been examined by a high level committee, it is not open to the applicant to demand details about the other cases since she has no vested right to the compassionate appointment.

6. In these circumstances, the O.A. has to be dismissed. There is no order as to costs.

R. K. Ahooja
(R.K. AHOOJA)
MEMBER (A)

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