

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 883/99
MA 847/99

New Delhi this the 10th day of February, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Smt. Chameli Devi
W/O Late Shri Gore Lal
R/O D-158, East Kidwai Nagar,
New Delhi-23

2. Bipin Kumar Yadav
S/O Late Shri Gore Lal
R/O D-158, East Kidwai Nagar,
New Delhi-23

... Applicants

(By Advocate Shri K.K. Patel)

Versus

1. Union of India through
Cabinet Secretary,
Cabinet Secretariate,
Govt. of India, New Delhi.

2. The Director, S.S.B.,
Directorate General of Security,
Office of the Director of SSB,
Cabinet Secretariat, Govt. of India,
New Delhi.

3. Joint Deputy Director (EA) I,
Directorate General of Security,
Office of the Director, SSB,
East Block V, R.K. Puram, New Delhi-66

... Respondents

(By Advocate Shri V.S.R. Krishna)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicants are aggrieved by the order passed by the respondents dated 19.5.98 rejecting the application of applicant 2 for appointment in any suitable post on compassionate grounds.

2. I have perused the pleadings and heard both the learned counsel.

3. Para 2 of the impugned order dated 19.5.1998 reads as follows:-

"The Competent Authority has considered the application alongwith other cases for appointment of your son on compassionate grounds to Group 'C' and 'D' posts and found that there is no element of compassion in the case. As such the Competent Authority has not approved his case for appointment on compassionate grounds."

8/

4. Shri K.K.Patel, learned counsel for the applicant has submitted that by the aforesaid impugned order, the respondents have not taken into account the fact that none of the members of the family of the deceased is employed which has been stated in para 4.1 of the OA. In reply to this paragraph, the respondents have submitted that they are not in a position to state with respect to the fact whether any of the family members of the deceased is employed or otherwise. From this reply, it can therefore, be concluded that the claim that none of the family members of the deceased is employed has not been considered by the Board of Officers which was convened on 28.7.87, while considering the applications pending consideration for appointment on compassionate grounds.

(11)

5. According to the respondents the applicant's case was considered and not found fit for compassionate appointment as it was found that the element of compassion in his case was less as compared to the other selected cases. The precise ground has been given in the impugned order which has been assailed by Sh. Patel, learned counsel for the applicant. He has submitted that the application of applicant 2, has in fact not been taken into account because only the other six persons have been considered for compassionate appointment, ignoring his claim. He has also drawn attention to paragraph 4(e) of the relevant DOP&T OM dated 30.6.87 (Annexure D). In this O.M. it is provided that in deserving cases, even where there is an earning member in the family of the deceased Government servant, leaving his family in distress the case may be considered for appointment with the prior approval of the Secretary of the Department concerned who, before approving the appointment will satisfy himself as to the further instructions mentioned therein. I find merit in the submissions made by the learned counsel for the applicants that the respondents have not considered the case of the applicants from all aspects, including the fact that they claim that none of the family members of the deceased employee is employed which they should have got verified and considered in accordance with the relevant instructions.

(12)

6. In the above facts and circumstances of the case the OA
succeeds and is allowed as follows:-

The impugned order dated 19.5.98 is quashed and set aside. (V)
The respondents are directed to reconsider the case of applicant 2
taking into account the observations made above, in accordance with
relevant rules and instructions. Necessary action in this regard
shall be taken within two months from the date of receipt of a
copy of this order with ~~1/2~~ intimation to the applicant.

No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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