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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. No.2230/98

HON'BLE SHRI R.K. AHOJA, MEMBER (A)

New Delhi, this the 10th day of September, 1999

Shri Suresh Kumar  
S/o Late Shri Ram Kumar  
R/o T-5527, West Baljeet Nagar  
New Delhi 110 008

....Applicant

(By Advocate: None)

Versus

Government of NCT of Delhi through

1. The Chief Secretary  
Govt. of NCT of Delhi  
5, Sham Nath Marg, Delhi
2. Principal Secretary(Services)  
Govt. of NCT (Services II Deptt)  
5, Sham Nath Marg, Delhi
3. The Director  
Directorate of Health Services  
Govt. of NCT of Delhi  
E-Block, Saraswati Bhawan  
Connaught Place, New Delhi

....Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R (ORAL)

The applicant herein is aggrieved that he has not been provided with compassionate appointment on account of the death of his father in harness while working as Sweeper-cum-Chowkidar at Inderlok Dispensary in the Directorate of Health Services, Govt. of N.C.T. Delhi.

2. The applicant submits that his father died on 5.2.1997, leaving behind his wife, three sons and a daughter. The applicant made a representation to the Chief Secretary, Govt. of NCT, Delhi, for his compassionate appointment to an appropriate job. He was granted an interview by the Principal Secretary on

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18.8.1998, but thereafter nothing came up in the matter. He has now come before the Tribunal seeking a direction to the respondents to accommodate him in a class-IV post.

3. The respondents have filed a detailed reply. They state that the mother of the applicant and widow of the late employee is already holding a class-IV post in Directorate of Social Welfare. The case of the applicant was placed before the screening committee. The minutes of the meeting have also been annexed. The committee considered that it was not a fit case for compassionate appointment since a family pension of Rs.924/- p.m. was sanctioned and an amount of Rs.68,173/- had also been paid as terminal benefits. It is also mentioned the mother of the applicant was also employed and working as Sweepress in the Directorate of Social Welfare at a salary of Rs.4438/- p.m.


4. None appeared for the applicant. On earlier two occasions none had come on behalf of the applicant. In accordance with the C.A.T. Rules of Procedure, the O.A. is being disposed of on the basis of the pleadings on record and after hearing the learned counsel for the respondents.

5. As contended by Shri Pandita, compassionate appointment is not a matter of vested right and constitutes an exception to the normal procedure of filling in public offices by open recruitment. The exception is allowed in order to obviate the difficult circumstances that the family may be placed in due to the death of the bread earner. The learned counsel has cited the <sup>judgement</sup> case of the Hon'ble Supreme Court in Auditor General

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of India and Others Vs. G. Ananta Rajeswara Rao [(1994) 1 SCC 192] in which it was held that compassionate appointment can be allowed only if it is made to meet the immediate need when there is no other earning member in the family. Similarly in Umesh Kumar Nagpal Vs. State of Haryana and Others, (JT 1994 (3) SC 525), the Supreme Court laid down that compassionate appointment is to be allowed only where the employee died in harness leaving his family without any means of livelihood. In the present case, the mother of the applicant already holds a job and gets an income of more than Rs.4,000/- p.m. There is also a family pension of Rs.924/- p.m. In view of this position it cannot be said that the family does not have any means of livelihood. In view of this position the finding of the screening committee cannot be considered arbitrary or without any basis.

6. In the result, the O.A. is dismissed. There is no order as to costs.

  
(R.K. AHOOJA)  
MEMBER (A)

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