

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2390/98

New Delhi this the 27th day of September, 1999.

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

Sh. Ram Phal,
S/o late Sh. Harkesh,
R/o Vill. Joshi Chauhan,
Distt. Sonepat,
Haryana. Applicant

(through Sh. R.V. Sinha, Advocate)

versus

1. Union of India through
its Secretary,
M/o Defence,
South Block,
New Delhi.
2. The CAO-cum-J.S. (Admn.),
Ministry of Defence,
Dalhauzi Road,
New Delhi.
3. The Chief of Air Staff,
M/o Defence,
Govt. of India,
Vayu Bhawan,
New Delhi. Respondents.

(through Sh. Trilochan Rout, departmental
representative)

ORDER(ORAL)

Applicant, S/o the deceased employee late Sh. Harkesh is aggrieved by the respondents order at Annexure-A dated 19.03.98. By the said order, the respondents have declined to consider the applicant's case for consideration of appointment on compassionate grounds. The applicant alleges that the order is a non-speaking order and does not convey the grounds on which the request has been turned down.

2. The respondents have opposed the applicant's claim vide their counter dated 05.02.99.

3. Law which would govern the appointment on compassionate grounds has already been settled in a long line decisions of the Apex Court in the cases of Life Insurance Corporation of India Vs. Asha Ramchander Ambedkar (1994(27)ATC 174); Umesh Kumar Nagpal Vs. State of Haryana & Ors. (1994(4) SCC 138); & Haryana Electricity Board & Anr. Vs. Hakim Singh (1997(2) ATJ 665). That apart, the Government of India vide its O.M. No. 14014/6/94-Estt.(D) dated 09.10.98 has come out with the revised consolidated instructions on the Scheme of compassionate ground. The departmental representative admitted at the Bar that the respondents have not taken into consideration the revised instructions while rejecting the applicant's claim. The basic issue that would govern consideration of such cases would depend on entering into a finding that the family is in the need of immediate succor in the absence of the only bread earner who has since died. Evidently, the respondents have not come out with that finding as is clear from the Annexure-A dated 19.03.98.

4. In the background of the legal position and details aforesaid, the O.A. deserves

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consideration and is accordingly allowed with the following directions:-

- (i) The respondents shall reconsider the applicant's case for compassionate appointment in the light of the law and instructions as mentioned aforesaid.
- (ii) The exercise in resect of the above shall be completed within a period of eight weeks from the date of receipt of a copy of this order and the applicant be informed accordingly.
- (iii) No costs.


(S.P. Biswas)
Member(A)

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