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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.353/98

New Delhi: Dated: this the 1<sup>st</sup> day of September, 1998.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

Gajender Kumar,

Q.No. Q/36, NPL.,  
Kingsway Camp,  
Delhi

..... applicant.

(By Advocate: Shri D. S. Garg)

Versus

1. The Deputy Commissioner of Police, HQ(I),  
Police Head Quarters,  
ITD,  
New Delhi.

2. The Commissioner of Police: Delhi,  
Police Head Quarters,  
ITD,  
New Delhi.

3. The Lt. Governor,  
NCT Delhi.,  
Raj Niwas,  
Delhi

.... Respondents.

(By Advocate: Shri Surat Singh).

JUDGMENT

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A):

Applicant impugns respondents' order dated 7.5.97 ( Annexure-1) and seeks compassionate appointment, consequent to the unfortunate demise in harness of his father, a Delhi Police Constable on 14.10.87.

2. I have heard applicant's counsel Shri Garg and respondents' counsel Shri Surat Singh.

3. Respondents in their reply state that

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applicant's father died leaving behind his widow, two sons and two daughters. They considered granting compassionate appointment to applicant as Constable, but he was not eligible owing to lack of height even after admissible relaxation. Thereafter he was again considered for compassionate appointment as Constable (Exe.) or Bandman, but was again found ineligible being substandard in height as well as education. Respondents state that thereupon they informed applicant's mother that applicant could be considered for appointment as Cook if she so desired, but in her letter she requested that he be appointed as Constable (MT Helper, Painter) instead of Class IV which was again considered and rejected, as they are selected from serving Constables and never appointed directly. Respondents state that applicant's mother was informed accordingly with the request that applicant would be considered for appointment as Cook if she so desired upon which she requested on 24.10.94 that her son be appointed as Cook, which was considered by the Committee headed by Commissioner of Police on 28.3.95, but could not be acceded to as her older son is already employed in Delhi Police as Constable (Band) and she was informed accordingly vide letter dated 16.4.95. Respondents further state that the widow was paid Rs. 43,778/- as pensionary benefit and Rs. 375/- p.m. plus RIP as family pension.

4. I have considered the matter carefully.

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Respondents themselves state that they considered applicants' case for compassionate appointment as Cook, but what appears primarily to have weighed with them in eventually rejecting the case was the fact that applicant's brother was already employed with them as Constable (Bandman). In this connection applicant's counsel has invited my attention to the CAT Madras Bench's judgment dated 8.7.93 in OA No.883/91 R. Vijay Raj Vs. UOI in which D.P. & A.R's OM No.14014/06/86 Estt.(O) dated 30.6.87 has been noticed in which it has been observed that in deserving cases even if a son of the deceased employee was in employment, the question of appointment on compassionate grounds can be considered in respect of another son and this matter should be considered by the Secretary of the Department concerned. From this Circular it is clear that merely because a son of the deceased employee is already in employment of respondents need not per se operate as an absolute bar against grant of compassionate appointment to another son, and what has to be determined is whether the grant of such a concession would be justified having regard to the number of dependents, the assets and liabilities of the deceased Govt. servant, the income of the earning member as also his liabilities, including the fact whether the earning member is residing with the family of the deceased Govt. servant and whether he should not be a source of support to the other members of the family.

5. I am aware that considerable time has

passed since the demise of applicant's father, but when respondents themselves during this period were willing to consider applicant's appointment as Cook which consumed a considerable portion of this time in processing, before it was ultimately turned down by impugned order dated 7.5.97 which is a bald and cryptic order which gives no reasons, I hold that the passage of time alone is not a sufficient ground for rejection of this case.

6. Under the circumstance, this OA is disposed of with the direction that in the event applicant submits a fresh self contained representation to respondents for grant of compassionate appointment within one month from the date of receipt of a copy of this order, respondents will examine the same in accordance with rules, instructions and judicial pronouncements on the subject and pass a detailed, speaking and reasoned order thereon under intimation to applicant within three months of receipt of the representation. No costs.

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( S. R. ADIGE )  
VICE CHAIRMAN (A).

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