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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.702/1998

New Delhi, this 15th day of September, 1998

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

1. Smt. Krishna Devi, w/o late Shri Ramfal
2. Shri Jai Prakash, s/o late Shri Ramfal
r/o 82A, Amrit Puri (Garhi) ... Applicants
New Delhi

(By Shri Vivekanand, Advocate)

versus

1. Joint Secretary
CSIR, New Delhi
2. Director
Central Road Research Institute
Mathura Road, New Delhi ... Respondents

(By Ms. Geetanjali, proxy for Shri V.K.Rao
Advocate)

ORDER(oral)

Applicant No.1 is the widow of late Shri Ramfal who died in harness on 8.6.96 while working as Driver. She has approached the respondents for compassionate appointment of applicant No.2, her son. She has claimed for such an appointment in terms of instructions issued by the Government of India in OM No.14014/6/86-Estt(D) dated 30.6.87. The said OM governs the principles that have to be applied for determining the legality or otherwise of the claim for compassionate ground appointments. These instructions have to be seen further in the light of law laid down by the judgements of the Apex Court in the cases of LIC of India Vs. A.R.Ambekar 1994(29) ATC 174 and U.K.Nagpal Vs., State of Haryana 1994(4) SCC 138. The Apex Court has laid down that compassionate appointment has to

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be wholly decided on the appreciation^{of} facts that the family is in immediate need of a succour and that there is no bread-earner who could save the family from destitute.

2. Two issues fall for consideration. They are:
(i) whether the applicant fulfills all the conditions for such an appointment as stipulated in the OM aforesaid as well as principles/law enunciated by the Hon'ble Supreme Court in the cases aforequoted? And (ii) whether the applicant No.2 has got necessary qualifications to be considered for such an appointment?

3. Learned counsel for the applicant argued strenuously to say that the case of compassionate appointment to Applicant No.2 is covered by all fours not only in terms of the Government of India's Instructions but also ratio of law laid down by the Apex Court in a catena of decisions.

4. Learned counsel for respondents drew our attention to Annexure A-4, which is the only document available before us to decide the economic conditions of the members of family of late Shri Ramphal. If this document has been relied upon, we have no other alternative but to enter into a finding that the economic conditions of the family do support the case of applicant No.2.

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5. Learned counsel for respondents would then argue that the Tribunal has itself imposed order of stay on fresh recruitments and because of that respondents are unable to consider such cases favourably. She would also argue that the case for compassionate appointment of applicant No.2 was examined alongwith others recently in November, 1997 but this could not be done because there are others ahead of the applicant in terms of their claims. She also submits that the conclusion regarding economic conditions of applicants' family has been entered without any cross check-up and this could be done even at this stage. She further submitted that at the moment there are no vacancies against which applicant No.2 could be considered either in Group-C or Group-D category. Respondents, however, would be willing to reconsider the legitimacy of applicant's claim for such an appointment.


6. Under the circumstances, this OA is allowed with the following directions:

(1) Annexure A dated 19.2.98 shall stand quashed;

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- (2) Respondents shall consider applicant No.2's case for compassionate appointment strictly in terms of law laid down on the subject and in terms of claims of others, i.e. those already in the queue before the applicant for such appointments will be considered earlier.
- (3) Applicant No.1 shall be intimated of the decision taken with reference to her representation dated 8.5.97;
- (4) This shall be done within a period of three months from the date of receipt of a certified copy of this order; and
- (5) There shall be no order as to costs.


(S.P. Biswas)
Member (A)

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