

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

D.A. NO. 2191/95

New Delhi, this the 11th day of July, 1996

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

Kumari Asha Rani,
d/o late Shri Umed Singh
r/o 347-348, ESI Colony,
Basi Darapur, Ring Road,
New Delhi.

... Applicant

By Advocate: Mrs. Meera Chhibber

Vs.

1. Union of India
through Secretary,
Ministry of Labour,
Sharam Shakti Bhawan,
New Delhi.

2. Director General,
ESI Hospital,
Panchdeep Bhawan,
Kotla Road,
New Delhi.

... Respondents

By Advocate: Shri G.R. Nayyar

ORDER (ORAL)

The applicant is aggrieved by order dated 9.9.94 in which the request made by her mother for granting compassionate appointment to the applicant has been rejected followed by rejection of her appeal by order dated 21.2.95 (Annexures 'P' and 'P-1').

2. The applicant has filed this application under section 19 of the Administrative Tribunal's Act, 1985 seeking quashing of the impugned orders referred to

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above and to direct the respondents to reconsider her case for appointment to the post of L.D.C. or any other vacancy in view of the appointments given to others similarly situated ^{persons} who are better off than the applicant on compassionate grounds.

3. Mrs. Meera Chhibber, learned counsel for the applicant has assailed the impugned orders mainly on two grounds namely, (i) that these orders are non speaking orders giving absolutely no reasons for the rejection of the applicant's request for compassionate appointment and (ii) on the basis of discrimination and non compliance of the principles enshrined in Articles 14 and 16 of the Constitution, inasmuch as persons whose names and details have been given in para 4.16 of the application who are, in fact, much better off financially than the applicant, have been appointed on compassionate grounds.

The learned counsel for the applicant relies on the judgement of the Supreme Court in Kamla Gaiind V. State of Punjab (1990) Suppl.SCC 800) and states that there cannot be discrimination even on compassionate appointments.

4. Shri G.R. Nayyar, learned counsel for the respondents submits that primarily the purpose of considering persons for appointment on compassionate grounds is to give some help to indigent families who are in economic distress. He submits

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that from the details in the reply, it can be seen that the applicant is

receiving a family pension of Rs.900/- per month plus D.A.

i.e. an amount of Rs.2,232/- per month. apart from the

family pension and other amounts totalling Rs.2,88,183/-.

The learned counsel submits that this would show that the

applicant and her mother are in receipt of at least Rs.5,000/-

including interest on the capital amount which, therefore,

takes the family out of the zone of consideration for

appointment on compassionate grounds as they cannot be considered

as an indigent family. He, therefore, submits that the appli-

cation of the applicant had been duly considered and there-

this ground.

after rejected on As regards the other cases referred to by

the applicant, Shri Nayyar submits that they are not relevant

because each case has to be looked at in its own circumstances.

carefully

5. I have considered the arguments of both the learned

counsel for the parties and the pleadings.

6. The rejection letter dated 9/13.9.94 and the rejection

of the appeal submitted by the applicant by letter dated

21.2.95 do not disclose any reasons whatsoever for the decision

taken by the respondents. It is, therefore, not possible to

say whether they had, in fact, considered the particular facts

and circumstances of the applicant's case before passing

these impugned orders. ^{Further,} ~~Merely~~ stating that with respect

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to the compassionate appointments given in other cases to the daughter of Shri Mukund Singh and wife of late Shri J.S. Joshi as irrelevant, although the applicant has stated that they were in better financial circumstances, shows that the respondents have dealt with the application submitted by the applicant in a most cavalier fashion and without application of mind which, therefore, cannot be stated as not being arbitrary or discriminatory. In the facts and circumstances of the case, the impugned orders dated 9/13.9.94 and 21.2.95 are quashed and set aside.

7. The O.A. is disposed of with the following directions:-

The respondents shall consider the representation made by the applicant in September, 1995 for appointment to the post of L.O.C. on compassionate grounds. They shall pass a detailed, reasoned and speaking order thereon within a period of two months from the date of receipt of a copy of this order, in accordance with the extant rules/Instructions and shall intimate the reply to the applicant.

No costs.

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

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