

2000  
Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.1165/95

New Delhi this the 22nd day of August 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr K.Muthukumar, Member (A)

Smt Suritia  
Widow of Late Mani Ram  
R/o Village Virja Pur  
P.O.Aduki, Dist. Mathura  
Uttar Pradesh ...Applicant.

(By Sh. D.N.Sharma, advocate)

Versus

1. The Secretary  
Ministry of Defence  
C-Block, New Delhi-11.
2. The Master General of Ordnance  
Army Headquarters  
DHQ Post Office  
New Delhi.
3. The Director General of Ordnance & Supply  
Army Headquarters  
DHQ Post Office  
New Delhi.
4. The Commandant  
Central Ordnance Depot  
Chhekoi (Allahabad) ...Respondents.

(By Sh. V.S.R.Krishna, Advocate)

O R R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

MA No.2181/95 has been filed by the son of the applicant who died during the pendency of the application. This application itself was filed seeking a direction to the respondents to give compassionate appointment to the son of the applicant who has now come forward with the MA for getting himself substituted as petitioner. For the reason

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stated in the application and in the interest of justice, MA 2181/95 is allowed. Therefore, the son of the applicant Shri Narayan Singh is substituted as applicant in the OA. Registry is directed to make necessary corrections in the OA.

2. The original application was filed by Smt. Suritia, widow of Late Shri Mani Ram who while working as Mazdoor in the Central Ordnance Depot, Allahabad, died in the year 1981. At that time, they had an infant son of 5 years of age, who has now been substituted as the applicant, on the demise of the original applicant Smt. Suritia. As the family was not able to get on after the substituted applicant attained the age of 18 years in the year 1994, Smt. Suritia took up the matter with the respondents for grant of compassionate appointment to her son. As the request for compassionate appointment was not acceded to on the ground that there was a delay of more than 10 years in making the request for compassionate appointment, as stated in the order dated 30.4.94 of the Commandant, Central Ordnance Depot, it is stated in the application that it was because the son of the original applicant was an infant, that the request for compassionate appointment was not made in time and the applicant has sought relief of quashing the letter dated 30.4.94 and for a direction to the respondents to appoint Shri Narayan Singh, the substituted applicant as Civilian Group-D employee.

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3. The application is opposed on the ground that after such a lapse of time, it is not feasible to grant compassionate appointment to the son of the deceased government employee for the reason that the fact that the family was able to survive for a long 13 years itself shows that employment assistance on compassionate grounds is not warranted, and also on the ground that the number of posts which could be offered on compassionate grounds is much less in comparison with the number of requests received for such appointment and, therefore, it is not feasible to accede to the claim of the applicant.

4. We have with meticulous care gone through the details in the pleadings and have heard the arguments of the counsel on either side.

5. Shri V.S.R.Krishna, learned counsel for the respondents, brought to our notice the ruling of the Hon'ble Supreme Court in Umesh Kumar Nagpal Vs. State of Haryana reported in JT 1994 Vol.3 SC 525 wherein it has been held that compassionate appointment cannot be offered after an inordinate delay.

6. The Scheme for compassionate appointment was envisaged to render immediate assistance to the family of a ~~serving~~ government employee dying in harness to tide over extreme indigence and destitution on account of the unexpected demise of the bread winner. If the family can, even with the death of its head, on its own survive, there is no

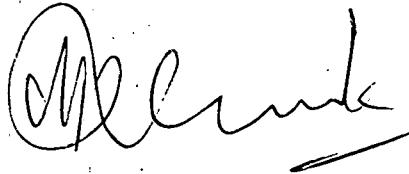
occasion for grant of compassionate appointment, for, the scheme does not envisage to give employment to a member of the family of every government servant who dies in harness. The scheme is, therefore, need-based and not to be applied to all the families of the government servants dying in harness. There may be a case in which the destitute family is not able to put up a candidate for accepting compassionate appointment, the son or daughter being a minor and the widow being overaged for appointment. In this case, Smt Suritia, the original applicant was 48 when her husband died and her only son was 5 years old. Therefore, either Smt. Suritia or her infant son could not have been in a position to accept compassionate appointment even if it was offered. The mere fact that the widow and the infant son of deceased Mani Ram did not die but managed to survive cannot be held as a reason to keep their case out of consideration for compassionate appointment. Whether a particular case deserves compassion or not has to be considered strictly on the basis of the factual merits such as financial position of the family, the number and age of the dependent members, educational standard and retiral benefits, if any, received by the family. In this case, there is no case that the family is possessed of any assets, nor is there a case that sufficient amount was received by the family either by way of retiral benefits. The deceased employee was a Mazdoor when he died. It is a

case in which the substituted applicant has now become an orphan, he having lost his father when he was 5 years old and having lost his mother now. We are of the considered view that it is a case which deserves a very sympathetic consideration for grant of employment assistance on compassionate grounds, even though there is a delay in putting up the claim as the delay had occurred on account of reasons beyond the control of the applicant.

7. In the light of what is stated above, we are of the considered view that the rejection of the case of the substituted applicant for compassionate appointment merely on the ground of delay is wholly unjustified. Therefore, we are convinced that the interest of justice demands a reconsideration of the matter by the competent authority in the light of the observations made above.

8. In the result, the application is disposed of with a direction to the respondents to have the case of the applicant considered by the competent authority for grant of compassionate appointment, in the light of the observations made above and to extend to the applicant the benefit of compassionate appointment, if he is found eligible and suitable. An order in this regard shall be passed by the competent authority within a period of 4 months from the date of receipt of this order.

  
(K. Muthukumar)  
Member (A)

  
(A.V. Haridasan)  
Vice Chairman (J)