

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

OA NO.2178/1996

(12)

NEW DELHI, THIS 23RD DAY OF SEPTEMBER, 1997.

1. HARVINDER KUMAR  
S/o Lt. Sh. Anant Ram  
R/o XY-36 Sarojini Nagar  
New Delhi.
2. Mrs. Pritam Kaur  
W/o Lt. Shri Anant Ram  
XY-36 Sarojini Nagar  
New Delhi

...APPLICANTS  
(BY Advocate - Shri R.N. Singh)

VERSUS

1. UNION OF INDIA,  
Ministry of Defence  
South Block  
New Delhi  
(through The Secretary)
2. Mrs. Mala Srivastava  
Joint Secretary (Admn.)-cum-C.A.O.  
Ministry of Defence  
C-2 Hutments, Dalhousie Road  
New Delhi

..RESPONDENTS

(By Advocate - None)  
(Dept. representative Shri Dushyant Pal,  
Senior Administrative Officer)

ORDER (ORAL)

The applicants are respectively son and widow of late Shri Anant Ram, who was working as Civilian Staff Officer (CSO) with the Naval Head Quarters. Shri Anant Ram died on 1.12.1994 leaving behind his widow, four sons and one daughter, of ages between 21 years and 31 years. An application was made for compassionate appointment of applicant No.1. It is submitted by the applicants that applicant No.1 was also interviewed on 1.2.1995 as desired

Qb

contd...2/-

(3)

by the respondents vide their letter dated 12.6.95 (A-2). The applicants are aggrieved that the request for compassionate appointment has been rejected vide letter of Ministry of Defence dated 6.12.1995 (Annexure 'A') according to which applicant No.1 cannot be taken into Government employment because, according to his brother Shri Balvinder Kumar, he is addicted to drugs, has difficulty in speaking and is thus unfit for a sensitive Ministry like the Ministry of Defence. The applicants deny this allegation and have also submitted an affidavit on behalf of Shri Balvinder Kumar in which he has stated that at no stage had he stated to the respondents that applicant No.1 was a drug addict or had any speech problems.

2. The respondents in reply have stated that they had considered the case of applicant No.1 for compassionate appointment. They submit that the widow has received a sum of about Rs.2.45 lakh besides the GPF (according to applicants, the total sum received is about Rs.3.36 lakh). The respondents also state that the widow is entitled to a family pension of Rs.1200 per month which comes to a total of Rs.3400 per month with allowances. The eldest son is working in DESU while the third son is an MBBS and the fourth one is doing his B.E. degree. They also state that when enquiries were made regarding the second son as to why he had not obtained employment even though he was 30 years of age, an explanation was given by his brother that it was due to his addiction to drugs. Therefore, considering all aspects of the matter including the financial condition of the family, it was not considered to be a fit case for grant of compassionate appointment.

Qur

contd..3/-

3. I have heard the arguments for both sides. There is no vested right for compassionate appointment and the purpose of the scheme for such appointment is to help the family to tide over the immediate crisis which arises due to the loss of the bread earner. Applicant No.1 had applied for compassionate appointment and the respondents say that they have duly considered his case. If they had confined their consideration to the financial condition of the family, then little could be said against their decision. However, in their letter dated 6.12.1995, they have gone further and stated that applicant No.1 is not fit for appointment and in case the widow were to offer any of the other sons, their case could be considered for such appointment. It appears thus that the main ground for rejection is not the financial condition of the family but the medical status of applicant No.1. It has been denied by Shri Balvinder Kumar, brother of applicant No.1, that he ever made any statement to the effect that applicant No.1 was addicted to drugs or <sup>had</sup> any speech problems. In the circumstances, without conducting a proper medical examination, the respondents could not take a stand ~~that he was unfit for a govt job~~ <sup>or</sup> without subjecting the applicant no.1 to a medical examination.

4. In the facts and circumstances of the case and in the light of the above discussion, the O.A. is disposed of with a direction to respondents to arrange for a medical examination of applicant No.1 and to consider his case, if he is found fit. This shall be done within three months from the date of receipt of a copy of this order.

  
(R.K. AHOOJA)

MEMBER (A)

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