

Central Administrative Tribunal  
Principal Bench

O.A.No.829/97

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 8th day of October, 1997

Smt. Sumitra Devi  
wd/o Late Shri Hoshia Singh  
r/o Vill. & P.O. Nangal Thakran  
New Delhi - 110 030. ... Applicant

(By Shri Sarad Chandra, Advocate)

Vs.

Commissioner of Police  
Police Head Quarters  
Delhi Police, I.P.Estate  
I.T.O., New Delhi. ... Respondent

(By Shri Vijay Pandita, Advocate)

O R D E R (Oral)

The applicant is a widow of Constable Hoshia Singh, who died in a road accident while in the service of the respondents. The applicant has four minor children in the age groups of 6 to 14 years. She applied on 29.9.1994 for appointment in Class-IV job on compassionate grounds. She states that as per Annexure-A, her physical measurement report was called for but she was informed by DCP(Security) that such a report was not required in her case. She is aggrieved that despite these steps taken by the respondents, she was informed by the impugned order dated 31.7.1996 that her request for compassionate appointment could not be acceded to. Her representations made thereafter were also rejected by the impugned orders dated 24.4.1996 and 31.7.1996. It is aggrieved by these orders that she has now come before this Tribunal.

2. I have heard the counsel for the applicant. Learned counsel for the applicant points out that the order of ~~rejection~~ ~~eviction~~ is a bald order and gives no reason as to why her request for appointment could not be accepted, despite the fact that the same had been recommended by the DCP.

Dr.

3. The respondents have filed a reply stating that her case was considered by the committee constituted under the Chairmanship of the Commissioner of Police, Delhi. They further state that her case was considered twice but she was not considered suitable for compassionate appointment. They also submit that the applicant was given an amount of Rs.1.41.609/- and pension of Rs.565/- per month plus allowances. As per the Judgment of Umesh Kumar Nagpal Vs. State of Haryana & Others, JT 1994(3) SC 525, the applicant could not be provided a job on compassionate grounds.

4. I have considered the matter carefully. There is no vested right for appointment on compassionate ground. However, the applicant is entitled to consideration in accordance with the rules framed by the respondents. I agree with the learned counsel for the applicant that the reply sent by the respondents discloses no ground as to why the applicant could not be appointed on compassionate grounds. It is correct that in reply to the OA the respondents have further indicated that the applicant has received certain terminal benefits and also received some pension. There is however, no mention in the reply whether the economic condition of the applicant as well as the fact that she has to support four minor children has also been taken into account or not. In view of this position, I dispose of this OA with a direction to the respondents that they will reconsider her case within three months from the date of receipt of a copy of this order and convey their decision to the applicant with a reasoned and speaking order. OA is disposed of as above. No costs.

  
(R.K. AHOJA)  
MEMBER(A)

/rao/