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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.23/03/94

New Delhi: June 1, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A).

1. Smt. Bimla Devi,
w/o Late Shri Suraj Bhan Rohilla,
aged about 47 years,
r/o S-33, Vijay Vihar,
Uttam Nagar,
New Delhi -110059.
2. Shri Anil Kumar,
s/o Shri (late) Suraj Bhan Rohilla,
r/o S-33, Vijay Vihar,
Uttam Nagar,
New Delhi -110059 Applicants.

None for the applicants.

Versus

1. Union of India,
through the Secretary,
Ministry of Home Affairs,
Govt. of India,
North Block,
New Delhi.
2. The Director,
Intelligence Bureau,
Ministry of Home Affairs,
Govt. of India,
New Delhi-110001. Respondents.

By Shri Hari Shanker proxy for Shri Madhav Panikar,

JUDGMENT (ORAL)

In this application, Smt. Bimla Devi and Shri Anil Kumar have prayed for quashing of the orders dated 7.2.94 (Annexure-A) and 25.4.94 (Annexure-B) by which their prayer for grant of compassionate appointment to Shri Anil Kumar - applicant No.2 has not been acceded to.

2. The two applicants are wife and son of Late Shri Suraj Bhan Rohilla who was employed as Assistant Central Intelligence Officer, Grade I in the Intelligence Bureau. Shri Rohilla expired on 7.6.92 and his son applicant No.2 Shri Anil Kumar

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has prayed for compassionate appointment.

3. The respondents in their reply have stated that Shri Anil Kumar's request was examined in terms of Govt. instructions dated 30.6.87 (Annexure-R 1). Shri Anil Kumar was called upon to fill up the prescribed proforma for appointment on compassionate ground which was submitted by him on 17.12.92. On scrutiny of the application in the prescribed proforma submitted by the applicant, the respondents noticed that he had not furnished some of the informations required in the proforma and, therefore, he was requested vide O.M. dated 21.12.92 to fill up the proforma correctly and to submit the same along with the attested copies of the certificates regarding his educational qualifications. The same was filled and submitted by him vide his letter dated nil (Annexure-R2). The respondents state that as per Clause v of the proforma for appointment on compassionate ground, the applicant was required to furnish the particulars of all dependents of Govt. servant, and if some were employed, their income was to be mentioned and it was also to be stated that whether they were living together or separately. The respondents state that applicant No.2 deliberately omitted the name of his elder brother Shri Surender Kumar and his sister Sushma, inspite of the fact that he was given two chances for furnishing the correct information. The respondents state that applicant Anil Kumar had three brothers; namely, S/S Surender Kumar, Vijay Kumar and Sanjay Kumar and one sister namely Sushma Devi but in his application for appointment on compassionate ground and subsequently in the attestation form he concealed the names and other particulars of Shri Surender Kumar.

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and Sushma Devi. However, there were specific columns in the attestation form for furnishing of such relevant information. The respondents further state that during enquiry they learnt that the applicant No.2's brother Shri Surender Kumar was working in the Transport Authority, Rajpura Road. In Para 1 of the instructions appended to the attestation form under heading "warning", it has been specifically stated that furnishing of false information or suppression of any factual information in the attestation form would be a disqualification and is likely to render the candidate unfit for employment. As the applicant had deliberately suppressed the factual information regarding his brother Shri Surender Kumar, the respondents rejected his prayer for compassionate appointment.

4. In his rejoinder, the applicant No.2 has stated that he was ^{an} novice and had no knowledge of technicalities of filling up of attestation form which was done in the guidance of ^{an} Intelligence Bureau's employee who knew his father well. He states that this person advised him that since his brother Shri Surender Kumar was living separately much before the death of his father, and was neither dependent upon his father nor was supporting the family, his name need not be shown as a part of the family.

5. In the light of the facts and circumstances discussed above, the respondents cannot be said to have acted illegally, arbitrarily, malafidely or in violation of Articles 14 and 16 of the Constitution in denying the applicant's compassionate appointment. This application therefore fails and is dismissed.

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6. However, having regard to the applicant's young age and his straitened financial circumstances, in the event applicant No.2 makes a representation ⁱⁿ representation to the respondents for sympathetic reconsideration of his case, and the respondents are disposed to do so, nothing contained in this judgment will operate as a bar to their doing so. No costs.

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(S.R. ADIGE)
MEMBER (A).

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