

9
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No. 1739/94
M.P.No. 2262/94.

Date of decision: 4.4.1995.

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

1. Smt. Champa Devi Rawat,
W/o late Shri Ranbir Singh Rawat,
191, Sector II, R.K. Puram,
New Delhi.
 2. Birendra Kumar Rawat,
S/o late Shri Ranbir Singh Rawat,
191, Sector II, R.K. Puram,
New Delhi
- .. Applicants

(By Advocate Shri KNR Pillai)

versus:

Union of India,
through the Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.

.. Respondent

(By Advocate None)

ORDER (ORAL)

The arguments in this case were commenced on 4.4.1995 and at the express request of both the learned counsel, it was fixed for completion today (AN).

2. This is a case in which the applicant is aggrieved by the order passed by the respondents dated 29.7.1994 in which they have regretted that it was not possible to appoint applicant No. 2 on compassionate grounds as prayed for in the O.A.

3. Shri KNR Pillai, learned counsel for the applicant submits that his apprehension is that although the order dated 29.7.1994 states that the applicant's representation

..

dated 14.7.1994 (Annexure A-I) is mentioned, in actual fact, the competent authority, namely, the Committee which is to deal with the compassionate appointment has not, in fact, considered the applicant's request for compassionate appointment in the light of the provisions contained in para 4(e) of Government of India, Ministry of Personnel, Pensions and Public Grievances (Department of Personnel & Training)'s O.M. dated 30.6.1987 as amended by O.M. dated 17.2.1988 (Annexure A-V). Para 4(e) where deals with the situation/in deserving cases, even where there is an earning member in the family, a son or other near relative of the deceased Government servant leaving his family in distress may be considered for compassionate appointment where the facts justify such an appointment.

4. Shri K.C. Sharma, learned counsel for the respondents, had relied on the recent judgement of the Hon'ble Supreme Court in U.K. Nagpal v. State of Haryana & Ors. [JT 1994 (3) SC 525]. In this case the Supreme Court has laid down some of the facts to be considered for appointment in public service on compassionate ground.

The Court had observed as follows :-

"... One such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood.... The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further,

28

mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family."

5. In the light of the above observations of the Supreme Court, and the settled position, no direction can be issued to the respondents to make any such compassionate appointment of the applicant to the post. However, having regard to the particular fact of the case, including the proximity of the applicant ^{for 13} dated 14.7.1994 and the rejection order dated 29.7.1994, in case the respondents have not considered the applicant's representation in terms of paragraph 4(e) of the Department of Personnel & Training's O.M. dated 30.6.1987 read with O.M. dated 17.2.1988, they may do so within a period of two months from the date of receipt of a copy of this order and convey ^{the decision} by a speaking order to the applicant. In case, the competent authority has already considered these facts pertaining to the applicant in terms of the aforesaid of the paragraph O.M. for compassionate appointment, no further action may be called for.

6. The O.A. is disposed of with the above directions.

There will be no order as to costs.

7. Shri KC Sharma, learned counsel for the respondents later appeared.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)