

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 1763/1994

New Delhi, this 30th day of January, 1995

Hon'ble Shri P.T.Thiruvengadam, Member(A)

(X)

1. Smt. Soma, w/o late Shri Mango Ram
2. Shri Raj Kumar, s/o Shri Mango Ram
120/S-12, R.K. Puram, New Delhi .. Applicants

(By Shri V.P. Sharma, Advocate)

versus

Union of India through

1. Secretary
Ministry of Defence
New Delhi
2. The Director General
Ordnance Branch, Army Hqrs., New Delhi
3. The DADOS (Personnel)
Hqrs., Western Command, Chandigarh
4. The Director of Estates
MGO, DHQ., M/Defence, New Delhi .. Respondents

(Shri M.M. Sudan, Advocate)

ORDER (oral)

The husband of applicant No.1 died in service on 30.12.92 leaving behind a family comprising the widow and 7 children in ages between 11 and 22 years. Compassionate appointment for the eldest son was sought which has been rejected by the respondents vide their letter dated 19.5.94 (Annexure A-1). This letter states that the case for employment in relaxation to normal rules of recruitment was considered but not approved in comparison with more deserving cases and limited number of vacancies. This OA has been filed against the rejection letter dated 19.5.94. Direction has also been sought with regard to the retention of the house which had been allotted to the deceased person.



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2. The learned counsel for the applicants argued that it is difficult to imagine a more deserving case than that of the applicants in the OA as a very large family has been left behind. Two daughters are yet to be married and all the seven children are to be provided with education. The settlement dues after allowing for various deductions etc. came to Rs.56,000/- only which in relation to the size of the family is negligible. The relevant instructions of the Department of Personnel with regard to compassionate appointment lay emphasis on considerations of liabilities, size of the family, age of the children and the essential needs of the family. These are all factors which weigh in favour of sanctioning compassionate appointment.

3. The learned counsel for the respondents referred to the relevant exercises undertaken by the respondents vide Annexures R-1 and R-2. Annexure R-2 spells out the detailed internal guidelines and Annexure R-1 is a chart detailing various cases of compassionate appointment. Matters like number of members in each family, balance of service left at the time of death, assessment of monthly income have been considered. It is argued that the internal guidelines have been meticulously followed and as the applicant could not come up in the merit list drawn by the Board of Officers, the impugned reply has been given to him.

4. Having gone into the internal guidelines as well as the follow up exercises, I find it difficult to fault the respondents as far as the necessary consideration is concerned. However, in the internal guidelines I note that size of family is given the same weightage, when the number of children is 3 or more. Though this norm has been followed uniformly, yet it acted harshly in cases where the families

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left behind comprise a large number of children and unmarried daughters. Where the number of mouths to be fed is large, obviously the hardship is greater. The norm thus adopted appears to be inequitable. Accordingly, I direct the Respondents No.1 & 2 to review their norm and reconsider whether weightage to be allowed for family with more than 3 children should be the same, irrespective of the number of children. After a decision on the revision of norms is taken, the case of the applicant No.2 may be once again considered. This exercise should be completed within a period of 3 months. The respondents will give a final reply to applicant No.2 within 3 months from the date of receipt of this order taking into account the observations made herein.

5. With regard to the retention of accommodation, the learned counsel for R-3 argued that retention as per rules has been allowed to the family for the permissible period and the applicants have to pay damage rent for the unauthorised occupation beyond this. In the circumstances, the only direction that can be given is that the applicants may not be evicted for a period of 3 months from today or till a final reply is given, whichever is later so as to enable them to make alternative arrangements. The rent to be charged for the entire period will be as per law.

The OA is thus disposed of. No costs.

P.T.Thiruvengadam

(P.T.Thiruvengadam)

Member (A)

30.1.95

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