

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1307/2000

New Delhi, this the 15th day of October, 2001

HON'BLE SH. KULDIP SINGH, MEMBER (J)

In the matter of:

1. Smt. premwati,
W/o Sh. Badli Ram,
R/o 93, Haujrani,
(Malviya Nagar),
New Delhi-110017.

2. Shri Bhagwan Sahai,
S/o Sh. Bdli Ram,
R/o 93, Haujrani,
(Malviya Nagar),
New Delhi-110017.

...Applicants

(By Advocate Shri Nathu Ram)

Versus

1. Director General,
All India Radio,
Prasar Bharti,
(Broad Casting Corporation of India),
Sansad Marg,
New Delhi.

2. The Secretary,
Information and Broad Casting Ministry,
Shastri Bhawan,
New Delhi.

...Respondents

(By Advocate Shri R.V. Sinha)

O R D E R

By Sh. Kuldip Singh, Member (J)

This a joint application filed by Smt. Premwati and
Bhagwan Sahai.

2. The applicants are aggrieved by the act of the respondents as the respondents has not appointed applicant No.2 on any post on compassionate grounds. Though it is stated that the name of the applicant No.2 was kept on the panel as Sl. No.2 in the waiting list for appointment on compassionate ground but still no final order has been passed. Applicant No.1 is the wife of Late Badli Ram, who was working as helper in AC

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plant under Resp. No.1 and died on 26.12.93 while in service. Applicant No.2 is the son of Late Badli Ram. It is further submitted that the applicant has submitted the application to Resp. No.1 in the year 1994 requesting them for the appointment of applicant No.2 but the same was turned down as it was stated that applicant No.2 is not entitled for appointment unless the applicant attained the age of 18 years. Even after attaining the age of 18 years no appointment has been given to the applicant. It is submitted that the act of the respondents by not offering any appointment is violation of principles of natural justice. It is further stated that State is under obligation to provide a job and not providing job is in violation of rules and the law laid down by the Hon'ble Supreme Court.

3. The respondents are contesting the OA. The respondents submitted that the request of the applicant for appointment of applicant No.2 was considered by the competent authority but the same could not be acceded to as the applicant was minor and subsequently his request has been rejected for want of vacancies in group 'D' post. It is further stated by the respondents that father of applicant No.2 has expired on 26.12.93 and thereafter 7 years have passed from the date of death of the deceased employee. There is no restriction to accede to the request of the applicant after a long period of 7 years. After the pleadings are completed case is called for hearing then vide order dated 13.2.2001 the Court called upon the respondents to file an additional affidavit to verify about the existing vacancy position in group 'D' from 18.8.99 onwards in order to decide the OA because in the impugned order which is also of 18.8.99 Respondents had turned down the request of the applicant for appointment on the ground that no vacancy in group 'D' is lying vacant or is available.

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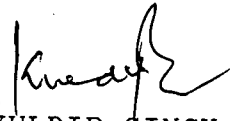
4. In deference of the orders passed by this Court the respondents filed an additional affidavit wherein it is submitted that in terms of the revised policy dated 28.12.99 53 posts had fallen vacant under direct recruitment quota and out of 53 posts only 2 posts fall under 5% compassionate appointment quota. The name of the applicant was also considered but in view of the latest OM dated 3.12.99 issued by the Ministry of Personnel Public Grievances and Pensions, Department of Personnel & Training it has been reemphasised that the vacancy meant for appointment on compassionate grounds will be available within a year that too within the ceiling of 5% mentioned above. It is further submitted that the case of the applicant was not covered under the rules as the case relates to the year December, 1993.

5. I have heard the counsel for the respondents and have also gone through the records.

6. Though it is the fact that earlier the case of the applicant was considered and was kept in the waiting list at Sl. No.2 but the fact remains that till the applicant could attain the age of 18 years he could not be appointed and though after recalculation of vacancies in accordance with the OM dated 28.12.99 2 vacancies had become available but still the OM dated 3.12.99 provides that vacancy meant for appointment on compassionate ground should be made available within a year and it should be ensured that the grant of compassionate appointment should be made within a year. Even otherwise, we find that the purpose of grant of compassionate appointment is to provide financial assistance to the family of deceased employee when the family is faced with sudden financial crisis because of the demise of the bread earner.

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But that immediate financial crisis cannot be said to continue for a long period and in this case a period of 7 years because in this period of 7 years a family can manage the financial crisis and come out of the same. Thus I am of the considered opinion that after lapse of period of 7 years the applicants cannot be said to be continuing in penury condition and no appointment can be provided on compassionate grounds after such a long period. So OA is devoid of any merit. The same is dismissed. (5)


(KULDIP SINGH)
Member (J)

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