

Central Administrative Tribunal, Principal Bench

Original Application No. 2424 of 2000

New Delhi, this the 8th day of May, 2001

Hon'ble Mr. Kuldip Singh, Member (J)

Chandra Kanta
S/o late Smt. Khasti Devi,
W/o late Shri Ishwari Dutta
R/o A-334, Minto Road
New Delhi

- Applicant

(By Advocate: Shri S.K. Gupta)

Versus

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

2. Director General of Works
C.P.W.D., Nirman Bhawan,
New Delhi

- Respondents

(By Advocate: Shri Ajay Gupta)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

Applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act seeking appointment on compassionate grounds as her mother who was employed under respondents had died in harness on 7.7.99.

2. Respondents are opposing the O.A. on the ground that the mother of the applicant, namely, Smt. Khasti Devi had herself been appointed on compassionate grounds as her husband had also died in harness and therefore, the applicant cannot be considered for appointment on compassionate grounds.

3. I have heard learned counsel for the parties and gone through the Scheme issued by the DOPT for

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appointment on compassionate grounds.

4. To my mind, once an employee joins the Govt. service whether through regular recruitment or on compassionate grounds, he becomes a regular employee and if the Scheme on Compassionate Appointments is applicable to all the employees and it does not create an exception, that the dependants of the employee who has been appointed on compassionate grounds are not eligible for compassionate appointment in case such employee dies in harness. Learned counsel for the applicant also referred to a judgement reported in 1993 (1) ATJ 161 (Kuldeep Kumar vs. UOI & anr.), wherein the co-ordinate Bench of the Tribunal had held as under:

"Appointment - On Compassionate grounds - On the death of a son for a Railway Retiree who was appointed on compassionate ground - The second son of the Railway retiree can also be appointed on compassionate ground."

5. I am of the opinion that since the DOPT scheme does not contemplate such a situation that the defendant of an employee who himself/herself had been appointed on compassionate grounds cannot be considered for compassionate appointment, this O.A. deserves to be allowed. I, therefore allow this O.A. with a direction to respondents to consider the case of the applicant for compassionate appointment in accordance with the DOPT scheme as early as possible. No order as to costs.


(Kuldip Singh)
Member(J)

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