

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 2025/89

Date of decision: 11.05.1990.

Smt. Jag Rani

Applicant

Vs.

Director of Printing & Others

Respondents

For the Applicant

Mrs. Sarla Chandra,  
Counsel

For the Respondents

Mrs. Raj Kumari  
Chopra, Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. D.K. CHAKPAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment? *yes*
2. To be referred to the Reporters or not? *No*

(The Judgment of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice Chairman(J))

The applicant, who is the wife of Late Shri Jhabba Lal, who had worked as Foreman Machine Branch, Government of India Press, Minto Road, New Delhi, before his death on 1.9.1986, filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying that the respondents be directed to give immediate employment on compassionate ground to the applicant as per Government policy relating to compassionate appointment of dependents and that the respondents be directed to allow her to continue in Government Quarter No. 37, Ahilya Bai Road, New Delhi, which had been allotted to her late husband.

2. The pleadings in the case are complete. The application has not been admitted. In our opinion, the *an*

application could be disposed of at the admission stage itself.

3. The facts of the case in brief are that the husband of the applicant died of a head injury on 1.9.1986 in a road accident, leaving behind his wife aged 47 years, mother aged 75 years, son aged 24 years, three daughters out of whom one is 21 years old and the other two 19 years old, one son aged 16 years ~~xx~~ and <sup>a youngest</sup> daughter aged 5 years ~~xx~~. Her eldest son is studying in Class X in the open school, Wazirpur. He is eligible for the post of Labourer in the Government of India Press, New Delhi. She applied to the Director of Printing, Government of India Press on 11.10.1986 requesting that her son be employed as Labourer on compassionate grounds.

4. On 11.6.1987, the respondents asked the applicant to submit the following documents in the first instance for processing her case:-

- (i) Death certificate of her husband.
- (ii) Schedule Caste certificate
- (iii) C.G.H.S. Card
- (iv) Undertaking from her that her son will look after the dependents of her deceased husband after employment on compassionate grounds and
- (v) School leaving certificate in respect of her son

5. The above documents were furnished by the applicant but no reply has been received by her with regard to her representation.

6. The respondents have stated in their counter-affidavit that the case for compassionate appointment was duly considered but could not be approved because there was

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no vacancy in the post of Labourer in the Press. Even now, there was no vacancy since the sanctioned strength of the Labourers has been reduced from 163 to 60, after the modernisation of the Press. According to them, a reply was sent to the applicant on 27.1.1989 to the effect that her request was carefully considered but could not be agreed to. The Press Quarter No.37, Ahilya Bai Road, New Delhi cannot be regularised in the name of her son even if he is appointed as a Labourer because his pay would not entitle him to the allotment of such a type of quarter.

7. We have carefully gone through the records of the case and have heard the learned counsel of both parties. The Department of Personnel & Training have issued a detailed Office Memorandum on 17th February, 1988 containing the instructions issued from time to time regarding the principles to be followed in making compassionate appointments (OM No.F-14014/23/87-Estt.D published in Swamy's Complete Manual on Establishment and Administration for Central Government Officers, Second Edition, pages 253 to 257). There is nothing on record to indicate that respondents considered the request of the applicant in the instant case, by applying the principles embodied in the aforesaid OM. The reply stated to have been sent to the applicant on 27.1.1989 is also not on record. The applicant has denied having received any such reply from the respondents. In our opinion, ~~the~~ <sup>as</sup> ~~make~~ <sup>make</sup> the plea of the respondents in their counter-affidavit that there is no vacancy in the post of Labourer in the Minto Road Press

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is not very convincing in the context of the aforesaid OM, which envisages compassionate appointments to be made against direct recruitment quota. In deserving cases like the one before us, it is expected of the respondents to provide appointment on compassionate grounds to the dependent son of the deceased Government servant.

8. In the instant case, the Government servant died on 1.9.1986 and the reply said to have been sent to the applicant was after a period of more than 2 years. The Supreme Court has deprecated the delay in disposal of such cases in Smt. Sushma Gossain and Others Vs. Union of India & Others, 1989(2) SCALE 473.

9. In the conspectus of the facts and circumstances of the case, we are of the opinion that the respondents should pass a speaking order on the request for compassionate appointment made by the applicant, keeping in view the principles contained in the OM dated 17th February, 1988 mentioned above, in the instant case. They are directed to do so within a period of 2 months from the receipt of a copy of this order. Such consideration need not be confined to the Minto Road Press where the deceased employee had worked but may be extended to any of their establishments elsewhere. We further direct that till then, the applicant shall not be dispossessed

from the Government quarter which is in her possession, subject to her liability to pay licence fee etc. in accordance with the relevant rules.

10. The application is disposed of on the above lines at the admission stage itself. The parties will bear their own costs.

*Dulal Chakraborty*

(D.K. CHAKRAVORTY)

MEMBER (A)

u/s/ 11/5/90

*P.K. Kartha*  
11/5/90

(P.K. KARTHA)

VICE CHAIRMAN (J)