

(Revised order vide docket order dt. 10.07.2020)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

**Original Application No. 021/00464/2019
Hyderabad, this the 02nd day of March, 2020**



HON'BLE MR.B.V.SUDHAKAR, ADMINISTRATIVE MEMBER

1. K.Bhagamma, W/o Late K.Nagesh, Group-C,
Ex-Mil. Farm Hand, Aged about 49 years,
R/o H.No.1-32-81/1, Dr.B.R.Ambedkar Nagar,
Trimulgherry Post, Secunderabad – 500 015.
2. K.Ganesh, S/o Late K.Nagesh,
Ex-Mil. Farm Hand, Aged about 29 years,
R/o H.No.1-32-81/1, Dr.B.R.Ambedkar Nagar,
Trimulgherry Post, Secunderabad – 500 015. ... Applicants

(By Advocate : MS.Rachana Kumari)

Vs.

1. Union of India, Represented by
The Deputy Director General of Military Farms,
Quartermaster General's Branch, Integrated HQ
Of Ministry of Defence (Army),
West Block, R.K.Puram, New Delhi.
2. The Director of Military Farms,
Head Quarters, Southern Command,
Kirkee, Pune.
3. The Officer-in-Charge,
Military Farms, Bowenpally,
Secunderabad. ... Respondents

(By Advocate : Ms.M.Swarna, Addl CGSC)

ORAL ORDER

{As per Hon'ble Mr.B.V.Sudhakar, Administrative Member}



2. The OA is filed in regard to the claim of the applicants for compassionate appointment.

3 (i) Brief facts of the case are that the first applicant's husband died in harness on 28.01.2006, while serving in the respondents organization leaving behind his wife i.e. the first applicant, two sons and one daughter. First applicant submitted a representation for grant of compassionate appointment to her elder son on 04.04.2006 and followed it up with a number of representations later. 3rd respondent on 21.12.2015 issued proceedings wherein the name of the second applicant figures at Sl.No.6. Thereupon the first applicant was directed to submit an affidavit, which was complied with by the applicant. On 28.07.2017 first respondent issued a letter for closure of the department and after being aware of the same, first applicant made a representation on 14.05.2018. Despite making the representation, there being no reply, the OA has been filed.

3 (ii) The contentions of the applicants are that the conditions required for offering appointment on compassionate grounds to the

second applicant have been complied with. The request has been under consideration by the respondents since 2006. The second applicant's name figures at Sl.No.6 in the waiting list in 2015. Applicants state that they do not know how many cases the respondents have considered for compassionate appointments in the last two decades, but in respect of their case there has been an inordinate delay. Inaction on part of the respondents in considering the case of the second applicant at the relevant point of time has caused irreparable loss to her. The family is in financial distress and living in indigent circumstances and therefore it is necessary to provide compassionate appointment to the second applicant.

4. Respondents in their reply statement have stated that the first applicant was employed on contract basis as a contract labour, but not employed as casual labour against the post held by her husband. Second applicant was also employed purely on contract basis, but not as a casual labour against any post. In the reply statement, the respondents denied having received the applications of the applicants for compassionate appointment in 2006, 2007 and 2008, as claimed by the applicants in the OA. Respondents stated that only on 05.04.2011, application was made seeking compassionate appointment in the name of the 2nd applicant. The said application for compassionate appointment was processed by the Committee constituted and the name of the 2nd applicant was waiting listed at Sl.No.27. Government of India has taken a policy decision to close Military Farms and the closing of Farms is in the

advanced stage. Besides there are no vacancies available to consider the case of the second applicant for compassionate appointment.



5. Heard Mrs.Rachana Kumari, learned counsel for the applicant and Mrs.Swarna, learned standing counsel for the respondents and perused the pleadings on record.

6 (i) It is not disputed that the case of the second applicant was taken up by the Committee and his name was shown at Sl.No.27 in the waiting list, circulated vide proceedings dt. 21.07.2015. However, consequent to the policy decision of the Government the Military Farms are being closed. Hence, the respondents have intimated that there is no scope to consider the case of the second applicant. However, learned counsel for the applicants pleaded that the case for compassionate appointment was processed way back in 2006 and therefore, because of the delay, applicants should not be made to suffer. Further, she submitted that when a department is being closed, a policy is usually formulated in regard to accommodating the regular employees in other wings of the same organizations or in the other Central Government departments. She pleaded that in respect of second applicant, the respondents can examine the scope to absorb him in other wings of the respondents organization and for doing so, the 2nd applicant be permitted to make a comprehensive representation stating the grounds on which he could be accommodated and based on the same, the respondents can

decide the issue appropriately, by keeping in view any new rules that are contemplated to be framed for cases of the nature in question and the law governing the subject.



6(ii) Learned counsel for the respondents, in response, submitted that once the organization itself is being closed, the scope for considering compassionate appointment of the second applicant does not arise. However, in regard to the policy, the same has not been raised in the OA and it is now being averred by the learned counsel for the applicants. Hence, at this juncture of time, no averment can be made in regard to the request of the learned counsel for the applicants.

6 (iii) However, after hearing learned counsel on both sides, it is seen that the case of the 2nd applicant for compassionate appointment was taken up nearly 10 years back and at this juncture of time denying the request would definitely be painful to the applicants. On the other hand, contention of the learned counsel for the respondents is also valid as the question of providing compassionate appointment at this juncture is not permissible when the organization itself is being wound up and in the absence of vacancies as per law, compassionate appointment cannot be taken up. To this extent, one cannot question the stand of the respondents.

6 (iv) Nevertheless, the request made by the learned counsel for the applicants that, if a policy is under consideration by the respondents akin to that of regular surplus employees, for considering cases similar to that of the 2nd applicant, which have been waitlisted for offering compassionate appointment, there could be no harm in examining the issue on such an eventuality.



6 (v) Hence, in view of the aforesaid, the 2nd applicant is directed to submit a comprehensive representation covering the grounds on which the claim is made referring to the rules and law on the subject within a week and thereupon, after receipt of such a representation, respondents are directed to dispose of the same within eight weeks by issuing a speaking and reasoned order, keeping in view, any feasibility to consider the case of the 2nd applicant in terms of the observation at para 6(iv).

7. With the above directions, OA is disposed of. There shall be no order as to costs.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

sd