

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1109/90
T.A. No.

199

DATE OF DECISION 6.9.1991

Smt. Kanta Devi	Petitioner Applicant
Shri Narendra Pal	Advocate for the Petitioner(s) Applicant
Versus	
Union of India through the Director of Printing & Press.	Respondent
Shri K.C. Mittal	Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? / *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? / *No*

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

A number of applications regarding appointment
on compassionate grounds have been filed by the
dependants of government servants who had died in
harness while working in the Government of India,
Minto Road Press, New Delhi. This is one such applica-
tion filed by the widow of the deceased, Shri Bishan
Kumar, who had worked in the Government of India,
Minto Road Press as Binding Assistant. He died in
harness on 13.4.1986 at the age of 43 years. The

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applicant has stated that the deceased did not leave behind any moveable and immovable property in his name and any member of his family except for a few essential household belongings. She applied to the respondents for employment on compassionate grounds as Binding Assistant, but this was not acceded to by them. Thereafter, she requested them to appoint her for any Class IV post if no vacancy for Binding Assistant existed at that time, to which she did not receive any reply. She even represented to the then Prime Minister on 27.7.1988 stating that she had no means to support her two sons and one daughter, who were studying, except for the meagre family pension she was getting due to the death of her husband.

2. The respondents have stated in their counter-affidavit that there is no question of any vacancy, because the press is already over-staffed. The number of sanctioned posts is 2585, which is to be brought down to 1072. The strength of the Press as on 31.3.1990 was 1968. In these circumstances, it has not been possible to give employment on compassionate grounds to Smt. Kanta Devi. As regards her request for appointing her as Binding Assistant, the respondents have stated that this post has been characterised as skilled post and that she does not

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possess the requisite skill.

3. In her application dated 15.5.1990, the applicant had represented that if a post of Bindery Assistant in Minto Road Press or its sister units in Delhi was not available for her, her second son, Shri Sanjiv Kumar Gupta be appointed as L.D.C. in Minto Road, or its sister Units in Delhi. The respondents have stated that in the Govt. of India Press, Minto Road, the sanctioned strength of L.D.C. is 121 which is to be reduced to 54. Hence, there is no scope for employment on compassionate grounds of Shri Sanjiv Kumar Gupta as L.D.C. there. Directorate of Printing made inquiries from other Presses in Delhi and Faridabad as to whether any vacancy for the post of L.D.C. against compassionate employment quota was available. However, no vacancy was reported by any Press. Hence, it has not been possible to consider Shri Sanjiv Kumar for appointment as L.D.C. on compassionate grounds in any of the Presses in Delhi or Faridabad.

4. Thus, the stand of the respondents is that it has not been possible to help the applicant due to non-availability of vacancy.

5. The application was filed in the Tribunal on 14.5.1990. On 1.6.1990, the Tribunal passed an interim

order directing the respondents not to dispossess the applicant of Quarter No.2/S, Press Road, New Delhi, subject to her liability to pay licence fee, etc., in accordance with the relevant rules. This interim order has been continued thereafter till the application was finally heard on 1.8.1991.

6. We have gone through the records of the case and have heard the learned counsel for both the parties. The basic stand of the respondents is that there is no vacancy available. The applicant has relied upon the decision of the Supreme Court in the case of Smt. Phoolwati Vs. Union of India & Others, AIR 1991 SC 469 which also related to the Government of India Press where the husband of the applicant before us had worked. It was observed that the Supreme Court had repeatedly requested the learned counsel appearing on behalf of the Union of India to consider the provisions that when an employee dies in harness, one of his legal representatives will be provided with an employment on compassionate grounds. The stand of the Union of India was that it was not possible to provide such employment in the Government of India Press where the husband of the appellant was previously employed. The Supreme Court followed its earlier decision in Smt. Sushma Gosain Vs. Union of India, A.I.R. 1987 S.C.

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1976 where it has held as under:-

" It can be stated unequivocally that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for years. If there is no suitable post for appointment, supernumerary post should be created to accommodate the applicant."

7. In view of the above, the Supreme Court directed the respondents to take immediate steps for employing the second son of the appellant in a suitable post commensurate with her educational qualifications within a period of one month from the date of the order. The appellant was also permitted to stay in the said quarter where she was residing with the members of her family.

8. According to the applicant, the aforesaid consideration apply equally to the present case. It is pertinent to observe that the Supreme Court had stated in Sushma Gosain's case that "if there is no suitable post for appointment, supernumerary post should be created to accommodate the applicant".

9. The Government of India have their Presses not only at Minto Road but at various other places. Of late, it has come to our notice that for some reason or other, there have been several deaths in these Presses and several applications filed by the legal representatives for appoint-

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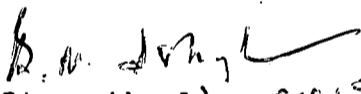
ment on compassionate grounds are pending in this Tribunal. It is not known whether any study of the hazards attendant on working in the Press has ever been made. In case the death is due to the hazards in the working, the cases for compassionate appointment require special consideration, notwithstanding the fact that due to modernisation there has been reduction in the strength of staff.

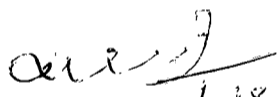
10. Therefore, in our considered opinion, the decisions of the Supreme Court relied upon by the applicant cannot be blindly applied to all cases for compassionate appointments in the Government of India Press located at various places in the country. There is only a small percentage of posts earmarked for such appointments under the administrative instructions issued by the Government (i.e. 1% only). In the fitness of things, we feel that the respondents should evolve an appropriate scheme for considering the requests made for compassionate appointment at the various Presses. A panel of names of persons who deserve appointment on compassionate grounds, should be prepared and appointment should be made strictly in accordance with the panel so prepared in the available vacancies and suitable vacancies. In our view, the case of the applicant is a deserving one.

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11. We, therefore, remit the case to the respondents for their further consideration in the light of the observations made hereinabove. The case of the applicant should also be considered afresh along with other cases and an appropriate decision be taken in the matter within a period of 4 months from the date of communication of this order. In the meanwhile, we direct that the applicant shall not be dispossessed of the Government accommodation in her possession and that she would be liable to pay only the normal licence fee from the date of death of her husband till the respondents take a decision in her case, as directed above.

There will be no order as to costs.


(B.N. Dhoundiyal) 99151
Administrative Member


(P.K. Kartha) 6/8/91
Vice-Chairman (Judl.)