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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 85/90

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. To be circulated to all Benches of the Tribunal? *No*

(5)

17.10.1987, Annexure A-5 (page 11 of the paper book) was again rejected on 7.12.1987, Annexure A2 (page 8 of the paper book). In addition to the review petition dated 30.8.1988 filed with the respondents, the applicant also represented her case to the Hon'ble Minister in June, 1989. As no reply was received the applicant filed this application under Section 19 of the Administrative Tribunals Act, 1985. By way of relief the applicants have prayed that the respondents may be directed to offer appointment to Shri Krishan Pal, Applicant No.2.on compassionate basis.

3. The respondents in their written statement have raised the primary objection to the effect that the application is barred by limitation. It has further been submitted that on receipt of the application for appointment on compassionate ground of Shri Krishan Pal for a suitable post in the Ordnance Factory, Muradnagar, the Factory Labour Officer was deputed for verifying the pecuniary circumstances of the family. The Labour Officer in his report has brought out that the family is having their own house, two shops and business of furniture and timber run by both the elder sons. Both the elder sons and the daughter are married whereas the younger sons were studying in Class 10 and 9. Further the widow received the following terminal benefits.

a)	D.C.R. Gratuity	Rs. 30,960.00
b)	Fund	Rs. 11,107.00
c)	C.G.E.I.S.	Rs. 5,000.00
d)	Leave encashment	Rs. 1,476.00
e)	D.B.F.	<u>Rs. 1,500.00</u>
	Total	<u>Rs. 50,043.00</u>

In addition, she is receiving family pension at the rate of Rs. 645/- p.m. + dearness relief as admissible. (The present rate of DR is 38% and the family pension amount works out to Rs. 820/- per month). The respondents did not consider it a fit case for providing employment on

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compassionate grounds keeping in view DOP & T's OM No. 14014/6/86-Estt(D) dated 30.6.1987.

4. The Department of Personnel & Training Om No. 14014/6/86-Estt.(D) dated 30.6.1987 lays down the following criteria for providing compassionate employment:

- (a) The employment is to be provided to son or daughter or near relative of a Government servant who dies in harness leaving his family in immediate need of assistance when there is no other earning member in the family.
- (b) The appointing authority has to ensure that the compassionate employments including reservation for SC/ST physically handicap, ex-service man do not exceed 50% of the vacancies available on any particular occasion.
- (c) The scheme of compassionate appointments was conceived as far back as 1958. Since then a number of welfare measures have been introduced by the Government listed below which have made a significant difference in the financial position of the families of the Government servants dying in harness. The benefits received by the family under these schemes are to be kept in view while considering cases of compassionate appointments.
 - (i) Central Government Employees Insurance Scheme;
 - (ii) Encashment of leave subject to maximum of 240 days;
 - iii) Entitlement of additional amount equal to average balance in GPF during the three years immediately preceding the death subject to certain conditions under deposit link insurance scheme.
 - (iv) improved family pension.

From the record before us we find that the family has received Rs. 50,043/ by way of terminal benefits, besides the family pension which comes to Rs. 890/- per month at present. Keeping in view the fact that family

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owns a house and the two elder sons and daughter are already married and the widow is in receipt of monthly pension of Rs. 890/- per month at the present rates, besides having received a little over rs. 50,000/- as cash amount, the family cannot be considered in need of assistance by way of compassionate appointment. The case of Smt. Sushma Gosain, ATR 1989-2 (Supreme Court) 659 is distinguishable from the present case as in that case the Hon'ble Supreme Court was dealing with a matter where the respondents had kept a widow waiting for compassionate employment after she had been cleared in the screening test in 1983 for the post of Lower Division Clerk (LDC) and later denied the appointment in 1985 when the Government had imposed the ban on appointment of women in the Directorate General, Border Road Organisation.

Before we consider interference in matter of compassionate employment it is necessary to establish that:-

The family is in need of immediate assistance being in indigent circumstances with no earning member in the family. Such cases, therefore, be considered by applying the prescribed criteria carefully in accordance with the criteria laid down by the respondents in the offices of the respondents as there are only a limited number of vacancies for this purpose in the office of respondents as there are only limited number of vacancies for this purpose in the office of the respondents. In view of the over all ceiling of 50% of the vacancies only being available for SC/ST, 10% for Ex-Serviceman and 3% for physically handicapped, only the most deserving cases have to be covered under such scheme.

6. Having carefully considered the contentions of learned counsel of both the parties and the record carefully we do not consider this a fit case meriting our interference. We, therefore, do not propose to review the decision of the respondents. The application is, therefore, disposed of accordingly. There will be no orders as to the costs.

I.K. Rasgotra
(I.K. Rasgotra)
Member (A)

T.S. Oberoi
(T.S. Oberoi)
Member (J)