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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.137 OF 2004

New Delhi, this the 19th day of January, 2004

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Shri Kuldeep Singh Rawat Aged about ___ year
S/o Late Shri Sultan Singh Rawat,
R/o H.No.A 250 Moti Bagh I,
New Delhi-110021.

.....Applicant

(By Advocate : Shri Surinder Singh)

Versus

Union of India
Through

The Director General
Special Service Bureau,
East Block, R.K. Puram,
New Delhi-110066.

.....Respondent

ORDER (ORAL)

This Original Application under Section 19 of the Administrative Tribunals Act, 1985 has been filed seeking a direction to respondent to consider the case of the applicant for compassionate appointment. It is stated that the applicant's father Shri Sultan Singh Rawat was appointed as a Peon in the year 1967, who died in harness on 2.11.1999 leaving behind ^{his} widow, three daughters of marriageable age and one son. It is claimed by the applicant that respondent has rejected his claim for compassionate appointment on incorrect grounds. The impugned letter dated 19.11.2003 (Annexure A1) states as follows:-

"In this connection, it is again intimated that you were examined by a Board of Officers and found medically unfit for recruitment in SSB Bns. As regard appointment in civil cadres, it is intimated that MHA has imposed ban on recruitment of civilian posts by non-combatised staff. Thus, SSB Department is unable to consider your case for compassionate appointment."

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2. Learned counsel of the applicant invited attention to the Scheme for Compassionate Appointment as per OM dated 9.10.1995 which among others states that the ban order of filling of posts issued by the Ministry of Finance, Department of Expenditure do not apply as the compassionate appointments are exempted. He also stated that the object of compassionate appointment is to render financial help, while doing so to offer the appointment to any eligible member of the family of deceased employee forthwith. According to the learned counsel enough time has elapsed, therefore, the respondent should not have rejected the claim of the applicant on a ground which was not relevant in this case.

3. In view of the fact that rights of the respondents are not going to be affected, it is decided to dispose of this application even at the admission stage without issuing notice, particularly, keeping in view the object of compassionate appointment which requires immediate help to the surviving members of the deceased employee's family. As has been brought out by the learned counsel of the applicant, the ban on direct recruitment to group 'C' and 'D' posts do not apply in the case of compassionate appointment as per the existing orders of the Govt. Therefore, the rejection on that account was not proper. In case the applicant was found suitable for compassionate appointment, the respondent should have not rejected the applicant's prayer merely

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on the ground of the ~~re~~ being ban on ^{such} appointment.
Therefore, the respondent is directed to consider the claim of the applicant in the light of the Scheme of Compassionate Appointment within a period of two months from the date of receipt of a copy of this order.

4. In view of the above, this Original Application is disposed of at the admission stage without any order as to costs.



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

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