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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**O.A. NO.1390/2004**

**New Delhi, this the 11<sup>th</sup> day of March, 2005**

**HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)**

Smt. Kamlesh Kumari,  
W/o late Shri Roshan Lal,  
R/o Qr. No. G-17,  
NPL Colony, New Rajinder Nagar,  
New Delhi.

.... Applicant.

(By Advocate Shri Pradeep Dahiya)

**Versus**

1. Council of Scientific & Industrial Research,  
through the Director General,  
Anusandhan Bhawan,  
2, Rafi Marg,  
New Delhi-110001.
2. National Physical Laboratory,  
through its Director,  
Dr. K.S. Krishnan Marg,  
New Delhi-110012.
3. Section Officer,  
National Physical Laboratory,  
(Council of Scientific & Industrial Research),  
Dr. K.S. Krishnan Marg,  
New Delhi-110012.

.... Respondents.

(By Advocate: Shri Praveen Swarup)

**O R D E R (ORAL)**

By this O.A., applicant has sought the following reliefs:

- (i) Allow the Original Application.
- (ii) Call the records pertaining to the present case of the applicant.
- (iii) Quash and set aside order No. L. No. 3/82/95/E-IV val. II dated 29.01.2004 passed by Respondent No. 3 as the same being arbitrary, illegal non-speaking and non-reasoned order.



- (iv) Direct the respondents to reconsider the case of applicant's son for appointment on compassionate grounds in preference to the persons appointed on compassionate grounds in the year 2001, 2002 and 2003 by drawing year wise panels".

2. It is submitted by the applicant that her husband died in harness on 21.1.2000 leaving behind two sons and one unmarried daughter. She applied for compassionate appointment but the same has been rejected vide order dated 29.1.2004 by stating that her case has been considered by the Committee in its meeting held on 19.11.2003 wherein all the applications were considered sympathetically but her case could not be recommended as per the criterion adopted by the Committee and due to limited number of vacancies.

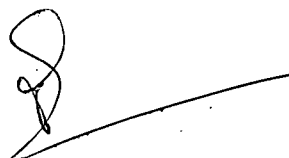
3. This order has been challenged by the applicant, on the ground that this is absolutely a non-speaking order and no reasons have been given as to what criteria was adopted by the Committee or why her case has been rejected, how many persons have been appointed and how many vacancies were available. Therefore, the relief as prayed for may be granted.

4. O.A. was contested by the respondents, who have submitted that the object of Scheme is to grant compassionate appointment to a dependent member, when a Government servant dies in harness leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant in such condition from financial destitution and to get over the emergent situation. Therefore, certain parameters have to be kept in mind for ascertaining the need and economic status of the family, which would include the income of the members of the family of the deceased Government servant, educational qualifications, number of dependents and assets and liabilities left by the deceased Government servant. The compassionate appointment is thus to be given keeping in view the need and economic status of the family, that too restricted to 5% of the vacancies in Group 'C' and 'D'. Therefore, only the most deserving cases who come within the limit of 5% vacancies can be given the compassionate appointment.

5. They have explained that when applicant gave application for giving compassionate appointment to her son Deepak Kumar, he was below 18 years of age i.e. the minimum age prescribed for Government service and since there was no vacancy available for compassionate appointment, the Committee could not consider any of her request for compassionate appointment. Subsequently, two posts became available for compassionate appointment. Accordingly, all the cases were considered in the meeting held on 19.11.2003. There were 33 applications but after considering all the pros and cons, the Committee recommended appointment of two persons, one each in Group 'C' and 'D' looking at the need and economic condition of the family. Applicant's case could not be recommended as she had already been given an amount of Rs.5,54,415/- on account of all dues of late Shri Roshan Lal. She is also getting family pension of Rs.3000/- per month excluding dearness relief thereon. Therefore, the family was not found to be in an indigent condition. On the contrary, Committee recommended those cases who had received minimum of dues and family pension and where the widows themselves are applicants for appointment by giving them preference. Both the persons, who had been recommended for compassionate appointment belong to the family of Group 'D' staff, were in receipt of minimum benefits, pension and having maximum liabilities. They have thus prayed that the O.A. may be dismissed.

6. I have heard both the counsel and perused the pleadings as well. Since the only ground taken by the respondents while rejecting the claim was that the applicant's case was considered as per the criteria adopted by them and due to limited number of vacancies her case could not be recommended, it was rather vague, therefore, I had directed the respondents to produce the proceedings wherein the case of applicant was considered to satisfy myself that the case had been duly considered.

7. Respondents produced the proceedings which clearly show that they had laid down some criteria to decide how the cases of compassionate appointment should be dealt with and had even allotted different marks for the amounts received by the families



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of deceased employees after their death. Some numbers were earmarked on the basis of number of dependents. Similarly, marks were given for widows or dependents in the family and terminal benefits received by the dependent family. All the cases were looked into as per the detailed chart prepared by the department, which had been placed before the Committee. The Committee recommended only those two persons, who were more deserving looking at their economic condition. It is seen that both the persons, who were recommended for compassionate appointment were widows of Class-IV employees, namely, Smt. Sunita, wife of late Shri Deepak Yadav, who was having two minor children, one daughter and one son both below 8 years of age and Smt. Maya Devi, wife of late Shri Dheeraj Singh, Safaiwala, who had left behind his wife, one son and four daughters, who were all minor in age. Both these persons were given compassionate appointment as per the parameter fixed by the Committee as they had received 92 and 90 marks, respectively whereas applicant had received only 51 marks.. From the perusal of proceedings, I am satisfied that recommendations were made by the Committee looking at the need and economic condition of the family members of the deceased employees. If compared with the family of Class-IV employees, definitely applicant's need was much less than the need of the family of those employees, who have been recommended for compassionate appointment.

8. It is now too well settled that compassionate appointment can neither be sought as a matter of right nor by way of inheritance. On the contrary, it is to be given as an exception to the normal rule only in those cases where the family is absolutely in indigent condition and they need immediate help of the department to even survive after the death of sole bread earner in the family. Compassionate appointment cannot be made an easy step for entry into Government service. Moreover, a person only has a right of consideration. In the instant case, since I have seen that the case of applicant has been considered in accordance with the laid down norms and they have recommended the cases of more deserving persons looking at the fact that there were only two posts meant for compassionate appointment whereas there were 33 applicants





who had applied for compassionate appointment, therefore, naturally only most deserving cases could have been given the compassionate appointment. From the perusal of the chart prepared by the Department, it is seen that there were number of other persons who had got more marks than the applicant and the applicant was far below in the said list. Therefore, there is no justification to give the relief to the applicant by ignoring the claims of those persons who are more deserving than the applicant simply because he has approached the court. Since compassionate appointment can be given only to the extent of 5% of vacancies meant for direct recruitment in a year, naturally compassionate appointment cannot be given to all the applicants. In the process, those who are better off get eliminate but no grievance can be entertained on this ground. After all a person only has right of consideration. Since applicant's case has already considered by the respondents in accordance with the rules, I find no good ground to interfere in the O.A. The O.A. is accordingly dismissed. No order as to costs.

**(MRS. MEERA CHHIBBER)**  
**MEMBER (J)**

'SRD'