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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 710/2004
MA 594/2004

New Delhi, this the 31st day of August, 2004

Hon'ble Shri Shanker Raju, Member (J)

1. Smt. Prakash Devi W/o Late H.C. Om Parkash
H.No. 161, Radha Vihar,
Village Saboli, Delhi – 93
2. Sh. Kuldeep Kumar, S/o Late H.C. Om Parkash,
H.No. 161, Radha Vihar,
Village Saboli, Delhi – 93

...Applicants

(By advocate Shri S.C. Luthra)

Versus

1. Govt. of NCT of Delhi through
Principal Home Secy.
Delhi Sectt. I.P. Estate, New Delhi – 110 002
2. The Commissioner of Police, Delhi Police,
PHQ, MSO Bldg,
New Delhi – 110 002

....Respondents

(By advocate Shri Ajesh Luthra)

O R D E R (ORAL)

Heard the learned counsel.

2. The present claim is directed against order passed by the respondents on 18-6-2002 rejecting the request of the applicant for compassionate appointment of her son Kuldeep Kumar as HC(Ministerial) in Delhi Police.

3. The factual matrix is that the deceased was working as Head Constable and died on 15-9-2000 at the age about 57 years. The widow had made a request for grant of compassionate appointment to her son highlighting the indigent condition of the family.



4. Screening Committee headed by Commissioner of Police evaluated the case in accordance with the guidelines and law on the subject finding cases more deserving than the applicant, claim was rejected on 18-6-2002.

5. It also transpires from the records that the review consideration was also sought by the applicant which culminated into rejection by an order dated 4-3-2003, the communication of which has been dispatched to the applicant.

6. Applicant raised her grievance before various political authorities, the same being referred to the Commissioner of Police was also considered and a suitable reply has been sent to the concerned.

7. Learned counsel for the applicant contends that an amount of Rs. 5,31,639/- which has been paid as retirement benefits has been utilized in the discharge of loans and also on construction of the house. It is also stated that although the order impugned suggests parameters to be followed, does not spell out how these parameters have been applied. In nutshell what has been contended before me is that keeping in view the liabilities and assets of the family, it is still in indigent condition, for which reconsideration for compassionate appointment is permissible in law.

8. On the other hand the learned counsel for the respondents produced before me the concerned review committee's records and various letters issued to the applicant dealing with her request for compassionate appointment to his son.

9. Learned counsel states that screening committee when considers the case of compassionate appointees not only the age, the remaining service, liabilities, retirement benefits paid, minor children and



various other considerations are also to be gone into before a decision is taken. Appointment is restricted to 5% of the vacancies meant for direct recruitment quota for compassionate appointment. In this view of matter, it is stated keeping in view 5% quote, applicant's case was meticulously examined and having regard to the assets and liabilities, the case of the applicant was found less deserving than others and accordingly was rejected.

10. It is further stated that in 2003, out of 209 cases of compassionate appointment, there were 49 vacancies and more deserving cases were accorded compassionate appointment.

11. As regards the documents shown with regard to the liability of the applicant, it is stated that the documents sought to be produced are afterthought. It is in this conspectus contended that whereas the applicant died in 2000, the applicant discharged the loans paid advance to contractor only in 2001.

12. It is also stated that there is discrepancy in the date of marriage which is stated to have been performed in 1998 whereas the loan pertained to May 1985. It is also stated by the learned counsel that these documents had neither been found mentioned in either of the representations made by the applicant nor in the performa where the applicant was supposed to incorporate all the liabilities.

13. Accordingly it is stated that the present claim of the applicant is all afterthought.

14. Having regard to the rival contentions it is trite law that compassionate appointment cannot be claimed as a matter of right. The only right is of consideration. However, it subject to various Government



policies on the subject inter alia which includes consideration of deserving cases of indigent family. Having regard to their assets and liabilities, size of the family, the status of the children, earning member in the family, house-owned, assets paid and family pension beyond the limit laid down by Planning Commission are also various factors to be considered.

15. While evaluating the case for compassionate appointment, committee consisting of Delhi Police Commissioner and two other members, the entire particulars of persons seeking compassionate appointment were before the committee. This not only includes the assets and family pension paid but the liabilities also. In this view of the matter the decision was based on several factors. From the DPC minutes, we find that screening committee after examination of the old and fresh cases found the case of the applicant less deserving and having regard to several factors enumerated in the policy guidelines.

16. The contention raised by the respondents that the amount paid to applicant as benefits of the deceased had been spent lavishly as unwarranted and goes beyond humanitarian approach. However the documents annexed with the OA reflecting liabilities and discharge of loans do not inspire confidence.

17. If these documents were available to the applicant, these would have been certainly incorporated as part of the representation and performa filled up by the applicant. This clearly establishes that these documents are afterthoughts. The applicant has not made any whisper about the liabilities including loans on account of marriage of the daughter and on constructions. Another discrepancy which has been found is that

whereas the house is stated to be worth of Rs. 1,50,000/-, a loan of Rs.4,00,000/- has been raised on construction.

18. Be that it may so, I am of the considered view that consideration of claim of the applicant for compassionate appointment has been done by the respondents in accordance with rules as the case has been found less deserving and the family not an indigent, OA does not warrant any interference.

19. However, before parting with as a quasi judicial authority, the respondents in the wake of fairness in procedure and transparency in action as the orders passed are subjected to judicial review should pass speaking orders giving details of application of parameters.

20. In the result, OA is bereft of merit is dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

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