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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
PRINCIPAL BENCH,  
NEW DELHI.

Date of Decision: 02.02.93.

OA 1418/92

HARMEINDER SINGH

... APPLICANT.

VS.

CENTRAL ELECTRICITY AUTHORITY  
AND OTHERS

... RESPONDENTS.

CORAM:

HON'BLE SHRI C.J. ROY, MEMBER (J).

For the Applicant ... SHRI MAHESH SRIVASTAVA

For the Respondents ... MS. PRATIMA MITTAL.

J U D G E M E N T (ORAL)

(DELIVERED BY HON'BLE SHRI C.J. ROY, MEMBER (J).)

Heard the learned counsel for the applicant as well as the learned counsel for the respondents.

2. The deceased, who died in harness on 31.10.77, was working with the respondents and was holding a family considering of his wife, mother and a minor son.

3. After the demise of Shri Harnesh Singh Saini, his wife was offered an appointment on compassionate ground but she declined on the ground that she was already employed. Neither the applicant nor the respondents have given details of the employment and of the income of the mother of the present applicant. The present applicant was minor at the time when his father died and subsequently filed an application after attaining majority for compassionate

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appointment. His application was rejected by the respondents by an order No.3/20/88-Adm.III (CEA), Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi, by order dated 6th June, 1991 contending that when his mother was offered an appointment, she did not accept, as she was already employed somewhere and that the purpose of the compassionate appointment is for those who are in indigent circumstances.

4. The applicant filed petition for compassionate appointment on 27th May, 1992. Section 20 and section 21(1) A & B. L of the Administrative Tribunals Act, the application is within time as the order dated 6th June, 1991 is the final order and the OA is filed on 27.5.1992. Therefore, I hold that the application is within time. It may be noted that after the counter is filed, the applicant filed a rejoinder stating that;

i) that if government employee dies leaving behind the dependents who are minor and could not be considered for alternative appointment, the government vide notification dated 17.2.1988 made them entitled for compassionate appointment after attaining the age of majority to compensate the bereaved family because of the loss of the bread earner of the family;

ii) secondly, the consideration for appointment of the minor of the deceased government employee is to be considered independently on its own merit rather than to throw on the ground that the bereaved family managed to survive all these years. In this respect it is stated that the

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compassionate appointment should be considered objectively and should not be thrown out merely on technicalities.

Reliance can be placed on the judgement dated IIT(1992)CSJ(CAT)12.

2) Office memorandum dated 17.2.1988 provides that the dependent of the deceased servant can be considered for appointment immediately after attaining the age of majority."

5. It is also stated on behalf of the petitioner that there is certain difference with the petitioner and his mother and in these circumstances the petitioner is residing with his maternal grand parents.

6. In the application at page 5 it is denied that the mother of the petitioner is employed anywhere. Following the principles, laid down in the case of Smt. Sushma Gosain Vs. UOI (1989 (1) SLR-327). The Hon'ble Supreme Court held that:

"9. We consider that it must 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 grounds is to mitigate the hardship due to death of the bread earner in the family. Such appointment should there 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."

6. Now the point remains for consideration is that after attaining the majority the applicant is prevented from

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applying for the compassionate appointment. The learned counsel for the respondents failed to satisfactorily counter the rejoinder, which is cited supra. So, the applicant can apply for the compassionate appointment after attaining the majority. Now it is to be examined whether the applicant is in indigent circumstances or not. It is on the record that the applicant is living with his maternal grand parents and he is unable to maintain himself. That does not exactly mean that he is not in indigent circumstances and he will not look after his mother.

7. The fact that he is living with his maternal grand parents is itself an indication that he cannot support himself.

8. The Hon'ble Supreme Court has also held that a supernumerary post ~~be~~ <sup>is created on</sup> compassionate grounds after relaxing eligibility conditions may be given to rescue the people who are in indigent circumstances.

9. There is no doubt that compassionate appointment is not a vested right. The final order dated 6th June, 1991 only says that compassionate appointment do help the family and the dependents who are in indigent circumstances, other than it does not give any other reason.

10. However, the boy being a minor at the time when his father died and he is living with maternal grand parents and

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his mother is unable to support him, I feel that this case may be considered for compassionate appointment.

11. In the circumstances, the respondents are directed to consider the case of the applicant for compassionate appointment and the said exercise will be completed within three months from the date of receipt of a copy of this order.

12. The application is disposed of with no order as to costs.

*wsby*  
( C. J. ROY )  
MEMBER (J)  
02.02.93