

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

\* \* \*

Date of Decision: 7. 8. 92

OA 769/92

SMT. BHOLI RANI

... APPLICANT.

Vs.

DIRECTOR OF PRINTING  
& ANOTHER

... RESPONDENTS.

CORAM:

HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant

... SHRI D.R. GUPTA.

For the Respondents

... Shri D.P. Kshatriya,  
proxy counsel for  
Shri N.S. Mehta.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporters or not ? *Yes*

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J).)

The applicant is wife of Late Shri Dharmendra, who was employed in Govt. of India Press Faridabad and died in harness on 14.10.90. The applicant applied for her appointment on compassionate ground in the Govt. of India Press Faridabad but the prayer of the applicant was rejected by the order dated 2.7.91. The applicant appealed against the same to the Asstt. Director which was rejected by the order dated 6.11.91. The applicant

*le*

in this application has claimed the relief that the respondents be directed to appoint her against some Group 'D' category and the impugned order be quashed.

2. The undisputed facts are that the husband of the applicant Shri Dharmendra was employed as a Labourer and he died in harness while in service leaving behind his family in indigent circumstances. The husband of the applicant has been in three years of the service when he died and the applicant is the only surviving member in the family. She is about 25 years of age and has education upto 9th Class. Her request for appointment on compassionate ground was considered but as there was no vacancy available she was not given any appointment.

3. The respondents filed the reply and stated that there was no vacancy in the post of Peon/Farash or any other suitable Group-D post against which the applicant could be employed on compassionate ground. It is further stated that the applicant has been paid DCRG Rs.4716/-, GPF Rs.2166/-, Insurance Amount Rs.15000/-, Saving Fund Rs.318/- and besides the above amount she is getting Rs.375/- p.m. as family pension w.e.f. 15.10.90. It is further stated that the case of the applicant was considered carefully but due to no availability of vacancy she could not be given any appointment. The applicant's case has not been rejected but her case can

be reconsidered in her turn. She cannot be appointed as a labourer in view of the directives contained in the Directorate of Printing OM No.26/52/83/A III dated 27.12.83. The compassionate appointments are to be limited only to the extent of vacancies available. The total reservation for all categories appointment including compassionate appointment is not to exceed 50%. Further, there are some cases for compassionate ground which are senior to the applicant in que for want of available vacancies as such the case of the applicant can be considered in her turn. The respondents have also quoted the judgement passed in a bunch of Original Applications No.2753/90 and others by the Principal Bench on 4.2.92 and the observations is reproduced below:-

"Taking a realistic view of things, we are of the opinion that a viable scheme should be prepared by the respondents on an All India basis to give relief in such cases to the deserving persons. We have been told that the Govt. of India has got as many as 23 Presses located at various places in the country and in our opinion all of them should be treated as a single unit for the purpose of making compassionate appointments. In order to give immediate relief to the deserving persons, the respondents should reduce the direct recruitment quota of categories concerned as a one-time measure in favour of the dependents of deceased Govt. servants needing compassionate appointment. Such a step could, to our mind, not amount to discrimination or violation of the constitutional provisions as interpreted by the Supreme Court in catena of decisions. While preparing the scheme, the respondents should provide for giving priority to more deserving cases than the others having regard to the size of the family, the circumstances in which the Government servant died, the level of the post which he had held and other relevant factors."

4. I have heard the learned counsel for both the parties at length and have gone through the records of

the case. In fact, the case of the applicant has not yet been rejected and the applicant is in que and her case shall be considered in her turn. The applicant had already received about Rs.22000/- in cash and she is also getting Rs.375/- p.m. as family pension since sole member in the family.

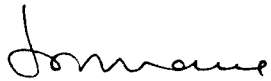
5. The learned counsel for the applicant has referred to the judgement in OA 46/88 dated 17.12.91 Dheram Pal Vs. UOI decided by the Principal Bench. That case referred to the Ministry of Defence. The facts of that case are totally different. The learned counsel has also referred to the case of Sushma Gosain & ors. Vs. UOI, reporter in 1989(4)SCC 468. In that case, the Hon'ble Supreme Court has held that if the applicant established all the circumstances for appointment on compassionate ground, his request cannot be declined only on the ground of want of vacancy. In the present case, the respondents have not rejected the representation of the applicant and she has been informed that her case shall be considered as soon as vacancy occurs. The learned counsel has also referred to the case of Smt. Phoolwati Vs. UOI, Civil Appeal No.5967/90. The facts of that case are also different. There is a widow having three children of school going<sup>age</sup> In the present case, the applicant is the sole surviv<sup>ing</sup> member in the family and she has already received about Rs.22000/-

and also getting a monthly pension of Rs.375/- p.m.

The respondents have not yet rejected her application for compassionate appointment.

6. In view of the above facts, the application is disposed of with the direction to the respondents to consider the case of the applicant in her turn for appointment on compassionate ground in the line of the directions issued to the Government of India Press in the judgement dated 4.2.92, referred to above.

In the circumstances, parties are left to bear their own costs.

  
7.8.92  
( J.P. SHARMA )  
MEMBER (J)