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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.784/93

New Delhi, this 8th day of February 1994.

Hon'ble Shri P.T.Thiruvengadam, Member (A)

1. Smt. Anandi Devi ~~id~~o of
Shri Jagdish Rai.
2. Shri Siya Saran Rai son of
late Shri Jagdish Rai.
both residents of E-459,
Mangolpuri, New Delhi.
(Shri K.L.Bhatia, Advocate)

..Applicants

Versus

1. Director General,
Council of Scientific &
Industrial Research,
Anusandhan Bhavan,
Rafi Marg, New Delhi.
2. Director,
National Physical Laboratory,
Pusa, New Delhi.

..Respondents

ORDER

The husband of applicant No.1 was employed with the respondents as Workshop Assistant in the H.L.S. Department of the National Physical Laboratory, Pusa, New Delhi. While in service, he died on 26-2-1990 leaving behind his widow, the applicant No.1 and two sons; one of them is the applicant ~~being~~ No.2. This O.A. has been filed for a direction to provide suitable employment against group 'D' post to the applicant No.2 on compassionate grounds by relaxing the qualifications.

2. The case of the applicant is that the deceased government servant left behind him a family as under:-

- i) Wife- applicant No.1.
- ii) One son (his wife and 4 daughters),
applicant No.2.
- iii) Another son.

The second son (not one of the applicants) is said to be living separately with his family and having his own independent establishment. The deceased wife and

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son (applicants No.1 & 2) are both unemployed and have no source of income except meagre family pension amount. The quantum of settlement dues is also negligible.

3. The applicant No.1 submitted a representation on 19-3-1990 requesting for compassionate appointment for her elder son. A reply was received vide letter dated 17-5-1990 stating that the matter had been considered and it was regretted that the request for compassionate appointment cannot be agreed to as the applicant does not possess any educational qualifications. On further representation it was advised by National Physical Laboratory in letter dated 19-6-91 that as per rules one must be middle class pass for appointment against any group 'D' post and this qualification is not satisfied. The applicant ^{pleads} feels that the Department is competent to relax temporarily educational qualifications and the applicant No.2 falls short of the qualification only marginally in that he has passed 6th class against required 8th class. It has also been argued that ~~certain~~ ^{of} posts for Farash could be filled by persons possessing qualification less than middle standard. The financial condition of the family is not too good and hence the compassionate appointment is needed.

4. The respondents have, however, argued that the family is getting a pension of Rs.980/- per month, total settlement dues of the order of Rs.42,490/- have been paid and the family possess some residential accommodation. It is further argued that the first son for whom the compassionate appointment has been sought is having his own family and cannot be said to be dependent on his father. Also initially the applicant No.2 ^{had} sworn in an affidavit declaring to be an illiterate but later on submitted a 6th class pass certificate. In the circumstances, the Committee did not consider it a fit case meriting relaxation in educational qualifications.

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5. In the counter affidavit it has been submitted ^{had} that the applicant No.1 applied for compassionate appointment, she could have been considered for relaxation of all the conditions as per rules.

6. Having heard the counsel I note that relaxation in educational qualifications is granted in exceptional circumstances. On the face of different averments regarding the educational qualifications made before the department by applicant No.2 and the statement made by the respondents in the counter that the case of applicant No.1 could have been considered for relaxation in age and the educational qualifications if she had applied, this will not be a fit case for interference with regard to the appointment of applicant No.2.

7. O.A. is disposed of accordingly. There will be no order as to costs.

P. J. [Signature]

(P.T.THIRUVENGADAM)
Member (A).