

Reserved

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad This the 7th day of December 1999.

Present:- Hon'ble Mr. Rafiq Uddin, Member (J.)

Original Application No. 158 of 1998.

Vinay Kumar Verma
son of Late Virendra Prasad,
resident of 3/109, E.W.S. Awas Vikas Colony No.3,
Jhansi, Distt. Allahabad.

. . Applicant.

(Through Sri Amit Saxena, Adv.)

Versus

1. Union of India, through the Ministry of
Personnel, Public Grievances and Pension,
Department of Personnel and Training,
Staff Selection Commission (C.R.)
8-A-B, Beli Road, Allahabad- 211002,
through its Secretary,

2. Union of India,
Through the Ministry of Home Affairs,
New Delhi, though its Secretary.

. . . Respondents.

(Through Sri Prashant Mathur, Adv.)

Order (Reserved)

By Hon'ble Mr. Rafiq Uddin, Member (J.)

The applicant has filed this O.A. for setting aside the order dated 11th August 1997 passed by the respondent No.2 by which the request of the applicant for his appointment on compassionate ground has been rejected.

(2) The father of the applicant Sri Virendra Prasad died in harness while serving in the office

of the respondent No.1 i.e. Staff Selection Commission (C.R.)Allahabad on 16.1.97 leaving behind him his wife, a minor daughter and the applicant. The application was moved by the mother of the applicant on 27.1.97 requesting the respondent No. 1 to appoint the applicant on compassionate ground after the death of his father because as a result of the death of his father the family faced financial difficulties stringencies. The application has, however, been rejected by the respondent No.2 vide impugned order stating that the case of the applicant is not covered under rules.

(3) The case of the applicant is that he has been denied employment on compassionate ground without any valid reasons. It is not possible to the applicant or his widowed mother to meet out expenses of day today life. The applicant's mother is also patient of High Blood Pressure and Thyroid and requires medical expenses. The sister of the applicant who has been studying in Class XII ~~xxxx~~ also compelled to leave her studies for want of finance.

(4) The application has been contested and ~~appe~~ opposed by the respondents stating that the request of the applicant was considered by the Controlling Ministry and after considering all the circumstances of the applicant concluded that applicant is not in indigent condition requiring consideration of his candidature for appointment on compassionate ground. It is further stated that the mother of the applicant is already in Government job and is working as Basic Primary Teacher earning monthly basic salary of Rs.1160/-, drawing total amount to the tune of Rs.3,714/- per

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month besides receiving of family pension of Rs.920/- per month. The family of the deceased employee has also received a sum of Rupees Three Lakhs as Pensionary benefits. The applicant is also in possession of flat. It has been clarified that the appointment on compassionate ground can be given to the wife, son or daughter of the deceased employee only in exceptional circumstances of the case where his family is in great distress but in the present case the family of the deceased besides receiving family pension has also other sources of income hence the request has been rightly rejected.

(5) I have heard the arguments of the learned counsel for the applicant as well as the respondents. I also perused the whole record available on the file.

(6) The provisions for making appointment on compassionate ground to the widow and son etc. of the deceased Government Employee are contained in Office Memorandum No. 14014/6/86-Estt(D) dated 30th June 1987 as amended by O.M. No. 14014/6/ dated 9th December 1993 issued by the Government of India Department of Personnel and Training (O.M. has been reproduced at page 281 of Swamy's Pension Compilation 14th Edition). It inter alia provides that only a son, daughter or a widow of a government servant who dies in harness is eligible for such appointment provided that there is no other member earning in the family. It further provides that in deserving cases even where there is an earning member in the family, the case of aforesaid relative

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may be considered for appointment on prior approval of the Secretary of the Department concerned if he is satisfied that grant of compensation is justified having regard to the number of dependents, assets and liabilities left by the deceased Government Servant and the deceased Government Servant has left his family in distress. This fact will also be considered that the earning member is residing with the family of the deceased government servant. It has also been added that the scheme of compassionate appointment was considered as far back as 1958. Since then a number of welfare majors have been introduced including Central Government Insurance Scheme, benefit of encashment of Earned leave to the credit of the deceased government servant entitlement of additional amount equal to the average balance in the G.P. Fund and the deceased Government Servant improved family pension etc. which have made a significant of the financial position of the family of Government Servant's dying in harness.

(7) It is evident from the above provisions that ^{the} ~~there are two~~ ² main criterias for making appointments on compassionate ground i.e. the family of the deceased Government servant is in immediate need of assistance in the event of there being no other earning member in the family to supplement the loss of income from the bread winner to relieve the economic diress of the member of the family. If the present case of the applicant is considered in the light of the aforesaid criteria, I find that the claim has been rightly rejected by the authorities concerned. Admittedly mother of the

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applicant is an earning member being a teacher in Government School. The applicant has also her own flat. The family has also been receiving the family pension and as pensionary benefits received Rupees Three Lakhs. I, therefore do not find any ground for interfering with the impugned order or to issue any direction for considering the case of the applicant for appointment on compassionate ground.

(8) In the result the O.A. is dismissed.
There shall be no order as to costs.

Rafiq Uddin
Member (J.)

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