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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO. 527 OF 2005.

ALLAHABAD THIS THE 13th DAY OF July, 2007.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman.

Sri Rajeev Verma,
S/o late C.L. Verma,
Resident of Ka 44, Karpuripuram, (Near Govindpuram),
District : Ghaziabad.

.....Applicant

(By Advocate: Dr. Hridyawati Mishra)

Versus.

1. Union of India through Secretary, Ministry of Defence to the Govt. of India (Air Force), South Block, New Delhi.
2. Chief of the Air Staff, Air Head Quarters, Vayu Bhawan, New Delhi.
3. Air Head Quarters, Vayu Bhawan, Director of Personals (Civilians) New Delhi.
4. Air Officer Commanding, Air Force Station Hindon, Ghaziabad (U.P.).

.....Respondents

(By Advocate: Sri Saumitra Singh)

ORDER

It is prayed that respondents be directed to appoint the applicant on a suitable post on compassionate ground.

2. It is not disputed that applicant's father late C.L. Verma was in the service of respondents. He died on 19.6.2001, while still in service, leaving behind him the applicant and his widow (mother of the applicant). There is also no dispute between the parties that the applicant gave application on 7.7.2001 and his mother also gave application on 20.11.2001 for compassionate appointment of the applicant and according to the respondents, his case alongwith such other cases was duly considered thrice in the year 2002 but because of the limited number of vacancy earmarked for such appointment and because of other more genuine candidates, the case of the applicant was not recommended for such appointment. It appears, applicant was duly intimated vide letter dated 31.3.2003 but he would file this O.A. as late as in April 2005, together with

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an application for condonation of delay. It is averred in the O.A. that he is M.Com with Diploma in Computer and hails from other Backward Community and has no sufficient means to sustain himself and his mother and his case has not properly been considered for appointment under Dying In Harness Rules.

3. The respondents have filed reply saying that the O.A. is highly time barred and applicant's case was not found fit for such appointment because his economic condition was not found so acute as the economic condition of other candidates, whose case were recommended for such appointment. They tried to say that family of the deceased received Rs.44,448/- as CGEIS Saving, Rs. 15,636/- as GPF, Rs.74,808/- as Leave Encashment, 2,71,359/-, as DCRG and was getting family pension at the rate of Rs. 2,875 + 1725 as dearness relief and so the applicant was not right in saying that the family had no sufficient means to sustain itself. After referring to few judicial pronouncement of the Apex Court including Umesh Kumar Nagpal Vs. State of Haryana decided on 4.5.1994, they tried to say that object behind giving compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and it is not regular source of recruitment. They have also tried to say that such compassionate appointments are to be made in 5% of vacancies of Direct Recruitment in a year.

4. After hearing the parties counsel on the application for condonation of delay, this Tribunal, vide its order dated 16.5.2001, condoned the delay that order will form part of this order.

5. I have heard Dr. Hridyawati Mishra appearing for the applicant, Shri S. Singh appearing for the respondents and have also perused the pleadings and material on record.

6. The law on the point of compassionate under Dying in Harness Rules stands well settled, after recent judicial pronouncements of Apex Court to which reference has already been made in the written reply, filed by the respondents. According to these pronouncements, such appointment is not a regular source of recruitment and has to be made only in exceptional circumstances. The object behind giving such appointments is to help the



family to tide over the sudden crisis, so created by death of bread earner. Learned counsel for the applicant was not able to deny that the family of deceased received the amounts mentioned above and widow was getting family pension at the rate of more than Rs. 2000 a month. Nothing has been averred in the O.A. or nothing has been pointed out during the course of argument as to how it can be said that rejection of the case of the applicant for compassionate appointment is vitiated by any reason. The fact that applicant's case was considered thrice, alongwith cases of other such candidates in accordance with instructions issued in this regard, is also not in dispute. Sitting in judicial review over such administrative decisions, this Tribunal will not be justified in interfering with the same, unless it is demonstrated that rejection was influenced by irrelevant or extraneous consideration or was influenced by some malafides etc. It is not practicable to accommodate all such candidates as according to the existing instructions issued on the basis of judicial pronouncement of the Apex Court; appointment is to be made on 5% vacancies in a year of Direct Recruitment Quota.

7. After considering respective arguments and material on record, I have come to the conclusion that the rejection of the case of the applicant cannot be said to be bad in law. There is no good ground for interference. So, the O.A. is dismissed but with no order as to costs.

C. J. M. 13.7.87

Vice-Chairman

Manish/-