

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00250/2021

DATED THIS THE 09th DAY OF APRIL, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Chandigarh Bench at Chandigarh)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench at Bangalore)

Smt.Margaret (47 years)

W/o late. James, (MES-129697)

Residing at 1/ 2 M.V Block

1st Cross, J.C.Nagar Post

Bangalore-560006.

....Applicant

(By Advocate Shri K.P.M.Varghese - through video conference)

Vs.

1. The Union of India
Through the Secretary
Ministry of Defence
New Delhi.
2. The Chief Engineer, (Air Force)
No.2, DC Area, MES Road
Yeswanthapura Post
Bangalore-560 022.
3. The Commander Works Engineer (AF) North
Military Engineer Services
Bellary Road, JC Nagar Post
Bangalore-006.

.....Respondents

ORDER (ORAL)

PER: RAKESH KUMAR GUPTA, MEMBER (A)

1. The present Original Application has been filed by the applicant under
Section 19 of the Administrative Tribunals Act, 1985 seeking direction from

the Tribunal to issue a writ of mandamus directing the respondents to consider the representation dated 16.09.2020 and legal notice dated 4.1.2021 Annexure-A8 and Annexure-10 respectively, and pass appropriate orders.

2. The applicant in her pleadings has averred that her husband Late James died on 18.08.2006 while in service. He was working as Peon with the 3rd respondent office from 1985 to 2006. He left behind his wife (applicant) and two minor children at the time of his death. The death of Late James put great hardship and financial burden on the family of the applicant.
3. The applicant had applied for a job under compassionate grounds for her and submitted all relevant documents as required by the respondents in time. After receipt of the application filed by the applicant, the 3rd respondent had issued a letter dated 09.09.2006 requesting the Tahsildar, Bangalore South to furnish several documents required for consideration of the application. Since there was no response, the applicant had again given one more representation to the Head Quarters, Chief Engineer, Southern Command, Pune requesting for an appointment on compassionate grounds on 27.06.2008 i.e. after two years. Thereafter, the 3rd respondent forwarded the application along with documents like affidavit and Physical Fitness certificate issued by the Medical Officer to the 2nd respondent for consideration of the application. Copy of the letter dated 22.10.2008 is produced as Annexure-A5.
4. Subsequently, applicant had been approaching the respondent No.3 personally and requested them to consider her case and give her any job suitable to her education and capacity. However, it was orally informed that

the matter is forwarded to the concerned office for consideration and the result will be intimated to her. Since there was no intimation from the respondents for several years, the applicant had sent one more representation dated 16.09.2020 which was not replied by the respondents. A legal notice was also served on the respondents on 04.01.2021. However, due to inaction of the respondents, the applicant was forced to approach this Tribunal for necessary relief.

5. Heard learned counsel for the applicant.
6. In this case, the husband of the applicant had died on 18.08.2006 and she had also requested for compassionate appointment in the year 2006 followed by subsequent reminder in 2008. However, after 2008, she has chosen to again represent for compassionate appointment in 2020. Since, there was no response from the respondents to her representation, she has approached this Tribunal for relief.
7. The object of the Compassionate Appointment Scheme of GOI, is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency. The concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Government servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence.

8. In this case, the applicant has chosen to approach this Tribunal after about 15 years from the time she requested for compassionate appointment after the unfortunate demise of her husband.
9. Keeping the above points in view, the OA is devoid of merits, and deserves to be dismissed.
10. Accordingly, the OA is dismissed. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ps/