

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/021/437/2017

Dated: 10/12/2018

Between

K. Anand,
S/o. Late V. Kumar,
Aged 31 years, Occ: Unemployed,
R/o. Plot No.21-1-25, Bhoodevi Nagar,
Venkatapuram, Tirumalgherry,
Secunderabad.

... Applicant

AND

1. The Union of India rep. by
The Directorate General of
EME (EME Civ-3),
Master General of Ord. Branch,
Integrated HQ of MoD (Army),
DHQ PO, New Delhi – 110 105.
2. The Commandant,
1-EME Centre,
Secunderabad.

... Respondents

Counsel for the Applicant	:	Mrs. S. Anuradha
Counsel for the Respondents	:	Mr. T. Hanumantha Reddy, Sr. PC to CG

CORAM :

Hon'ble Mr. B.V. Sudhakar, Admn. Member

ORAL ORDER

(Per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

The OA is filed being aggrieved by the action of the respondents in not providing compassionate appointment to the applicant.

2. Brief facts of the case are that the father of the applicant died on 31.3.2007 while serving the respondents' organisation. The deceased employee is survived by his wife, son, daughter and mother. The applicant represented for compassionate appointment on 29.9.2009 but it was rejected by the respondents vide letter dt 23.10.2012 on the ground that there were other meritorious candidates who had to be considered. The version of the applicant is that on a previous occasion when the applicant filed OA 211/13 in this tribunal seeking compassionate appointment, the 2nd respondent, as per the directions of this Tribunal disposed of the request on the very same grounds on which it was rejected previously. These grounds were set aside by this Tribunal by order dated 9.6.2014. Aggrieved over the same, the applicant has filed the OA.

3. The contention of the applicant is that the request of the applicant has been rejected without proper consideration of facts and the indigent circumstances of the applicant.

4. Respondents took the initiative of calling for an application for compassionate appointment from the wife of the deceased employee and that the case of the applicant was examined 10 times against available vacancies. As per norms based on the points scored and the available vacancies, candidates are selected for compassionate appointment. The applicant could not qualify based on the said norms. Based on the directions of the Tribunal the case was also considered but he did not get the required marks to be picked up. The applicant was also informed vide letter dt 14.8.2014 that his case will not be reopened further as per DOP&T OM dt 30.5.2013. The applicant was also advised to make a fresh application vide letter dt 24.1.2018 in the context of complying with OA 437/2017.

6. Heard both the counsel and went through the records submitted.

7. This is a case where the applicant due to financial distress has been seeking compassionate appointment and also to maintain a big family. The daughter of the deceased employee is suffering from severe ill health. The family, as per records, appear to be going through a rough patch. They are looking for some stable source of income through the compassionate appointment. Hence, the repeated attempts by the applicant through multiple OAs seeking compassionate appointment. The respondents have also been fair in considering the case of the applicant on 10 occasions. The applicant is not able to score marks which will enable him to get selected. The respondents have issued a clear and speaking order giving details of marks scored, vacancies available etc., while rejecting the request of the applicant. This cannot be denied. Nevertheless, considering the pleadings of the

applicant and the dismal state in which his family is placed as seen from records, the applicant's family is in desperate need of support. There is no monthly income, no immovable property, unmarried daughter, 5 dependents as per the reply statement of the respondents. The deceased employee is from the lower rung and the DOP&T OM dt 16.1.2013, did have a word of sympathy for those who died in Group D category by stating as under:

“Requests for compassionate appointment consequent on death or retirement on medical grounds of erstwhile Group ‘D’ staff may be considered with greater sympathy by applying relaxed standards depending on the facts and circumstances of the case.”

8. The terminal benefits are also around Rs 6,45,000 which is not substantial. The DOPT vide O.M dt 16.1.2013 has also emphasized that:

“The Welfare Officer in each Ministry/Department/Office should meet the members of the family of the Government servant in question immediately after his death to advise and assist them in getting appointment on compassionate grounds. The applicant should be called in person at the very first stage and advised in person about the requirements and formalities to be completed by him.”

“The applicant may also be granted personal hearing by the committee, if necessary, for better appreciation of the facts of the case.”

9. Such an effort if made, the respondents can get a first hand report as to the parameters to be looked into and the economic status so that they can have a ground assessment about the need to consider or deny the request made. Sometimes field reports do give a different picture which is not

adequately reported in documents. Besides, such a visit will give a real perspective of the background and the conditions of the living of the applicant and his family.

10. Thus based on the above, the respondents are directed to send a Welfare Officer or Officer of equivalent rank involved in such activities and based on his report, the scoring of the marks be done, backed by obtaining required documents for record. Accordingly, the respondents may decide based on relative merit and the vacancies available to offer compassionate recruitment to the applicant or otherwise, as a last opportunity.

11. With the above directions, the OA is accordingly disposed of. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

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