

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/021/857/2017

Dated: 19/12/2018

Between

1. K. Shiva Laxmi,
W/o. Late K. Somaiah,
Ex-Mil. Farm Hand,
Aged about 55 years,
R/o. H.No.1-32-70/1, Old No.32-113,
Khanajiguda, Dr. B.R. Ambedkar Nagar,
Alwal, Trimulgerry Post,
Secunderabad.
2. K. Raj Kumar,
S/o. Late Somaiah,
Ex-Mil. Farm Hand,
Aged about 32 years,
R/o. H.No.1-32-70/1, Old No.32-113,
Khanajiguda, Dr. B.R. Ambedkar Nagar,
Alwal, Trimulgerry Post,
Secunderabad.

... Applicants

AND

1. The Union of India rep. by
The Director General of Military Farms,
QMG Brach, Army Head Quarters,
West Block, R.K. Puram,
New Delhi.
2. The Deputy Director General of Military Farms,
Quartermaster General's Branch,
Integrated HQ of Ministry of Defence (Army),
West Block, R.K. Puram,
New Delhi.
3. The Director of Military Farms,
Head Quarters, Southern Command,
Kirkee, Pune.

4. The Officer-In-Charge,
Military Farms, Bowenpally,
Secunderabad. Respondents

Counsel for the Applicant : Mrs. Rachna Kumari
Counsel for the Respondents : Mr. A. Surender Reddy, Addl. CGSC

CORAM :

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

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

The O.A. has been filed for not granting compassionate appointment.

2. The brief facts of the case are that the 1st applicant's husband, while working in the respondent's organization died in service on 14.4.2006. He was survived by the 1st applicant's son and the second applicant in the O.A. The respondents have paid terminal benefits of GPF, leave encashment and gratuity on the death of the 1st applicant's husband. The deceased employee has taken a number of loans from Banks tantamounting to an amount of Rs.2,00,000/- which had to be paid from the terminal benefits received by the family of the deceased employee. Therefore, considering the financial distress under which they were placed, the 1st applicant submitted a representation to consider the second applicant for compassionate appointment. Based on the representation, the second applicant was engaged as casual labour in the post which was held by the deceased employee from 15.1.2003. However, the request of the applicant for compassionate appointment was not finalized and, therefore, another representation dated

8.7.2016 was made to the respondents. This was followed by one more on 9.3.2017 and in response, the applicant was directed to furnish the relevant documents. The documents were accordingly submitted but again on grounds of inaction, a representation was made to the respondents. The applicant made several representations thereafter but there being no response, the O.A. has been filed.

3. The contentions of the applicants are that the family is in financial distress and as per the norms of compassionate recruitment, he is fully eligible to be appointed. The family has got huge debts to re-pay. The family is living in indigent conditions. The respondents have also closed 39 Military Farms vide order dated 28.7.2017 and he is apprehensive about his future. The objective of compassionate recruitment is to bail out a family in financial crisis. The spinal argument of the applicant is that though he is working in the department from 2003 as casual labour, not placing his name in the waiting list prepared as late as 2016 is unfair. The first applicant does not have any property. The applicant claims that he is in bad need of a regular appointment so that he can take care of the entire family in the years to come.

4. The respondents contend that the first applicant was paid sizeable amounts as terminal benefits as under:

- i) CGEGIS - Rs.26,761/-
- ii) GPF - Rs.21,406/-
- iii) Leave Encashment - Rs.70,490/-
- iv) Gratuity - Rs.1,76,225/-

Family Pension to the extent of Rs.9500/- p.m. along with DA has been granted to the 1st applicant. The second applicant is also engaged on contract basis at Military Farm, Secunderabad. The representations made by the applicant have been received and the second applicant is wait listed at 45th position as per the wait list maintained by IHQ, New Delhi. The case of the applicant will be considered as per his turn in the Screening Committee. The Screening Committee considers such cases based on the vacancies available and the relevant merit points.

5. The learned counsel for the applicant submitted that the Military Farms have been closed and the future of the applicant is at stake if the issue is further delayed. The learned counsel for the respondents has stated that the applicant's name has been wait listed at 45 and he would definitely be considered when his turn comes up based on vacancies and relevant merit.

6. The documents placed on record do indicate that the respondents have been fair enough to consider the application of the applicant and place it at 45th position for consideration.

7. Though it was done after 7 representations were made, yet it is an undeniable fact that the case of the applicant is now under reckoning by the respondents. The respondents have certain rules in considering the case of compassionate recruitment which is mainly based on the vacancies availability and the relevant merit. The respondents have assured that the case of the applicant will be taken up as per his turn. However, the learned counsel for the applicant has expressed an apprehension as to the time frame in regard to consideration. This is a genuine apprehension and, therefore,

keeping this fact in view, the respondents are directed to consider the case of the applicant within 90 days from the date of receipt of this order. Accordingly, the O.A. is disposed of with no order as to costs.

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

pv