

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

O.A. No. 186/92

Smt. Pan Kumari & another Applicants

Vs.

Union of India & others Respondents

Hon. Mr. Maharaj Din, J.M.

The applicants have moved this application under Section 19 of the Administrative Tribunals Act, 1985 praying for the relief of compassionate appointment.

2. The applicants No. 1 and 2 are the widow and the son respectively of late Ram Shankar who was employed as White Washer (Painter) in the ~~M.B.~~ Section, Ordnance Equipment Factory, Kanpur. Late Ram Shankar expired on 30.10.90 while he was in the employment of the respondents. The applicant submitted an application to the respondent No. 2 on 27.12.90 requesting for compassionate appointment of applicant No.2 in the ~~Ordnance~~ Equipment Factory, Kanpur which was rejected by the impugned order (Annexure A-1) dated 1.2.91.

3. The respondents ^{have} ~~then~~ filed reply and resisted the claim of the applicants ~~for~~ appointment on ~~the~~ compassionate, ground.

4. I have heard Learned Counsel for both the parties and perused the record.



5. Late Ram Shankar, husband of applicant No. 1 and father of applicant No.2 had died on 30.10.90 on account of prolonged illness. He was the patient of Tuberculosis and remained under treatment for several years. He also could not attend his duties for about 2 years due to his prolonged illness. These facts are admitted to the respondents. Since Ram Shankar was absent from duty for two years so his earnings were also very meagre. Much expenses had to be spent on his medical treatment and the applicants have stated that he was heavily indebted at the time of his death. It is further stated that applicant No.1 the wife of the deceased mostly remains sick and she is not in a position to do any service. She has also to spend money on her medical treatment. Applicant No.2 who is the son of deceased Ram Shankar has studied up to High School, but could not pass the Metriculation examination, as he remained busy to look after his ailing father. He has attained the age of 20 years and is eligible to get the employment in the factory.

6. The respondents in reply has referred the letter of Ministry of Defence (D-Estt.I/GP-II) New Delhi vide I.D. No. A/12012/5/87/D/(Estt.-I/GP-II) dt. 20.7.1987, as received vide O.F. Board letter No. 427 /GOF/A/I(Vol-III) dt. 20.9.88 has forwarded a copy of Ministry of Personnel public Grievances and Pensions (Department of Personnel and Training) O.M. No. 14014/6/86 Estt.(T) dt. 30.6.1987 where in the guidelines and detailed procedure for making compassionate appointments of Son/Daughter/near relatives of deceased Government servants has been laid down. A photostat copy of the letter ~~as per letter~~ dt. 20.7.87 has been filed as Annexure -A1. A perusal of Office Memorandum No. 14014/6/Estt(D) dated 30.6.87 with the

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guide lines contained therein are applicable to the following type of cases: -

"(i) To a son or daughter or near relative of a Govt. servant who dies in harness including death by suicide leaving his family in immediate need of assistance, when there is no other earning member in the family.

(ii) In exceptional cases when a department is satisfied that the condition of the family is indigent and is in great distress, the benefit of compassionate appointment may be extended to a son/daughter / near relative of a Govt, servant retired on medical grounds under Rule - 88 of Central Civil services (Pension Rules 1972), or corresponding provisions in the Central Civil Services Regulations before attaining the age of 55 years. In case of Group - 'D' employees who normal age of superannuation is 60 years, compassionate appointment may be considered where they are retired on medical grounds before attaining the age of 57 years.

(iii) To a son or daughter or near relative of a Govt. servant who dies during the period of extension in services but not re-employment."

7. The purpose for compassionate appointment is to mitigate the hardship due to death of the employee and to redeem family from distress. The applicants have stated that deceased Ram Shankar could not perform his duties due to prolonged illness and lot of money was spent on his medical treatment.



The deceased was also heavily indebted. It has been contended on behalf of the respondents that after the death of Ram Shankar, the applicants are getting family pension. They have been also paid amount of Gratuity, G.P.F. and C.G.E.I.S. amount of Rs. 37,638/- so they are not in immediate need of any ~~assistance~~. The applicant have categorically stated that the retiral benefits which they have received were utilised in liquidating the ~~debts~~ outstanding family debts. The ^{medical} amount of family pension worth Rs. 864/- which they are getting is inadequate to meet the family expenses. The applicants have further stated that they had no other source of income. In reply to averment made by the applicants, the respondents have said that the deceased had no liability except of widow and his son. It is further said that the son had already attained the age of majority and he can earn for himself. The applicant No.2,, the son of the deceased is without job or any business so wherefrom he can earn for his ^{livel}hood. The financial condition of the family of the deceased had gone very week during his life time and no addition to income of the family was made thereafter. Considering these facts, I am of the opinion that the condition of the applicant's family is indigent and is in great distress and the benefit of the compassionate appointment can be extended to applicant No.2, who is the son of the deceased employee.

8. The respondents, in case of an officer of the factory, namely, Late Shri K.J. Koshy, who died in harness provided employment to his son Abraham on compassionate ground, though the ^{dependents} ~~deponents~~ of Late Shri K.J. Koshi are getting double of the pension than the applicants. This fact is admitted to the respondents but they tried to explain that the death of Shri K.J. Koshi was caused due to Cancer who was constantly absent from di

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and was getting treatment at Bombay and Delhi.

I am not satisfied by this explanation put forth by the respondents to deny the relief of compassionate appointment to the applicant. Ram Shankar, father of applicant No.2 also remained absent for a considerable period from duty as he was unable to work due to his prolonged illness as he was suffered from T.B.

I have already observed above that the family of the applicant is indigent and is in great distress, so the applicants are also entitled to the benefit of compassionate appointment.

9. In view of the facts and circumstances of the case, the application of the applicants for compassionate appointment of applicant No. 2 is allowed with the direction that the respondents shall provide a suitable job in the factory to applicant No.2 within a period of 3 months from the date of the communication of this order.

10. There will be no order as to costs.


(Member (J))

Allahabad

dt. 22-10.92

/smc/