

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD**

PRESENT:

**HON'BLE MR. A.K. GAUR, MEMBER-J  
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A**

Allahabad this the 3<sup>rd</sup> day of November, 2008

**Contempt Petition No. 29 of 2007  
In  
Original Application No. 357 of 2004**

Marendra Kumar Sahu, S/o late Sri K.C. Sahu, R/o House No. 20/21 Sharara Bagh, Allahabad.

...Applicant.

By Advocate: Sri D.K. Pandey

Versus

1. Sri Shekhar Dutta, Secretary, Ministry of Personnel, North Block, New Delhi.
2. Sri Satya Nand Mishra, Secretary, Ministry of Personnel, North Block, New Delhi.

...Respondents.

By Advocate : Sri S.M. Mishra.

O R D E R

Delivered: By Hon'ble Mr. A.K. Gaur, Member-J

List has been revised. None appears on behalf of the applicant. Sri S.M. Mishra for the respondents is present.

2. We have heard Sri S.M. Mishra, learned counsel for the respondents and perused the pleadings. It is submitted by the respondents in their Counter Affidavit that the claim of the applicant was considered and decided by the competent authority and there is no occasion to review the policy on compassionate appointment for the following reasons:

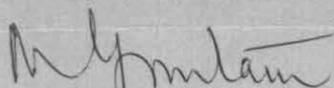
"(i) The Scheme on compassionate appointment does not anywhere lay down that receipt of terminal benefits and pension should be a disqualifying factor for compassionate appointment. The Scheme provides that an overall assessment of a case is to be made based on liabilities and

✓

assets of the family before taking a view whether a case is fit for recommendation for such appointment.

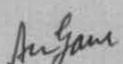
- (ii) The provision contained in the Scheme that an overall assessment of a case is to be made to take a view whether the family suffers from financial hardship implies that factors such as presence of physically handicapped dependent members requiring extra expenses for maintenance also need to be duly taken into account in assessing hardship.
- (iii) It is not clear what is meant by the suggestion that the preference should be given to the wards of the deceased Government employees for employment in the same Ministry or Department. It is already provided in the Scheme that compassionate appointment of a dependent family member is to be considered by the Ministry/Department, where the deceased Government employee was working.
- (iv) Grant of compassionate appointment to a dependent family member of a deceased Government employee by itself constitutes relaxation of normal recruitment procedure, as it does not involve selection based on competitive merit. But the persons appointed on compassionate grounds must fulfill the eligibility criteria prescribed in the Recruitment Rules of the post and only the upper age limit is relaxed in such cases. Hence, no further relaxation in the norms is required to be considered under the Scheme. It is also added that the existing Scheme has been formulated on the basis of guidelines contained in a number of judgments of the Supreme Court. As regards employment of physically handicapped persons, there are already reservation provisions as also benefit of age relaxation available separately for such category of candidates for direct recruitment."

3. In view of the above, we are satisfied that the order and directions of this Tribunal has fully been complied with by the respondents and there is no willful disobedience of the order and direction of this Tribunal on the part of the respondents. The Contempt Petition is accordingly dismissed. Notices issued to the respondents are discharged.



(Mrs. Manjulika Gautam)

Member-A



(A.K. Gaur)

Member-J