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from 03.10.2001 to 30-03-2002 or till regular appointment is made, whichever period is shorter, with a further condition that he has to vacate the post immediately if his case of compassionate appointment (on relaxation of normal recruitment rule) is rejected by the appropriate authority. Although such appointment of the Applicant came to an end w.e.f. 30-03-2002 A/N (under Annexure-A/4 dated 18-03-2002) in actuality he was relieved from the post only on 05-07-2002 under Annexure-A/5. Under Annexure-A/6 dated 27-05-2002 the Applicant was intimated that there being no indigence in the family, the Circle Relaxation Committee rejected the claim (for compassionate appointment) of the Applicant. Having failed to get any response in his appeal under Annexure-A/9, the Applicant filed the present Original Application under Section 19 of the Administrative Tribunals Act, 1985 to quash the letter of rejection (under Annexure-A/6) and for a direction (to the Respondents) to provide him an employment on compassionate ground.

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2. Respondents have filed their counter objecting the claim of the Applicant. Applicant has also filed a rejoinder to the counter filed by the Applicant.

3. Learned counsel for the Applicant, relying on the income certificate granted by the local Tahasildar and the identity card (issued by the Election Commissioner) showing the Applicant to be under the below poverty line, has submitted that the assessment of the CRC that the family to be not in indigent condition is far from record. It has been submitted that since the father of the Applicant was the only bread earner of the family, after his premature death, not only the Applicant but also a widow sister, who is staying with the Applicant along with her sons, are continuing in a state of penury and, although in similar situations employment assistance, on compassionate ground, has been extended to others; a different stand has been taken in the case of the Applicant. Thus, it has been submitted that a suitable direction need be issued to the Respondents to provide employment assistance to the Applicant.

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4. On the other hand, learned State Counsel (appearing for the Respondents) has submitted that compassionate appointment is not an alternate mode of recruitment. It is a beneficial legislation only to rehabilitate the family members (of a Government servant) in distress. Indigent condition of the family is the sole consideration for providing such assistance to one of the family members of the deceased employee and that, in the present case, there being no indigent condition of the family, his case was rightly rejected by the Circle Relaxation Committee. It has further been submitted by the learned counsel for the Respondents that had the deceased survived, he would have retired on attaining the age of superannuation only on 30-06-2001 and, thereafter, the family could have been survived on their own efforts and, that, merely because there is a scheme, the same could not have been extended irrespective of the position prevalent in the family.

5. Having heard the parties and on perusal of the materials placed on record, it appears, that the deceased

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was to retire just two and half months after his death. It is also seen that the Applicant is aged about 40 years. The CRC rejected the claim of the Applicant on the ground that the family is not in indigent condition. The appointment on compassionate ground is not another mode of recruitment but merely an exception to the aforesaid requirement taking into consideration the fact of the death of employee while in service leaving his family without any means of livelihood. In such cases, the object is to enable the family to get over sudden financial crisis. But such appointments on compassionate ground have to be made in accordance with the rules/regulations or administrative instructions by taking into consideration the financial condition and size of the family of the deceased. Having regard to the fact that unless some source of livelihood is provided the family would not be able to make both ends meet, provisions are made for giving appointment to one of the dependants of the deceased who may be eligible for appointment, the purpose of providing employment to the dependant of

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a government servant dying in harness, in preference to anybody else, is to mitigate hardship caused to the family of the ceased on account of his unexpected death while in service. To alleviate the distress of the family, such appointments are permissible on compassionate grounds provided there exists indigent condition in the family. In the present case it appears that the applicant is the only son who is aged about 40 years. The family has the income of Rs.5000/- per annum. There is no record that the widow sister was a dependant on the deceased and the Applicant has ever brought this fact to the notice of the authorities that the widow sister is staying with him. In this view of the matter, I find no justification to interfere with the decision of the authorities in rejecting the case of the Applicant for employment on compassionate ground.

In the result, this O.A. fails and is accordingly dismissed. No costs.

J. J. J.
02/02/06
MEMBER (JUDICIAL)