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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No. 619 of 2009
Cuttack, this the 23rd August, 2010

Soumya Ranjan Moses Applicant
-Versus-
Union of India & Others Respondents

C O R A M
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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Heard. Perused the materials placed on record. Applicant is the son of Late Daniel Moses who expired on 21.09.1999 leaving behind his old ailing mother, widow, one daughter and the present applicant while working as Sub Postmaster of Goadiapatna Sub Post Office in Dhenkanal Postal Division. It is the case of the Applicant that his father was the only earning member of his family and, therefore, after his death by making application he sought appointment on compassionate ground. Alleging non-consideration of his case he has approached this Tribunal in the present Original Application seeking direction to the Respondents to consider his case for providing appointment on compassionate ground.

2. Respondents filed their counter *inter alia* stating that the father of the applicant expired prematurely on 21.09.1999. At the time of his death his children were minor. After attaining the majority, on receipt of application, synopsis of the family was prepared and sent for consideration and his case was placed before the CRC held on 10-11/3/2005 along with other applications seeking appointment on compassionate appointment. The CRC considered all the cases including the case of the applicant keeping in mind the yardstick fixed for such consideration i.e. (i) financial condition of the family; (ii) its assets and liabilities; (iii) the number of vacancies available under compassionate appointment quota and recommended the most deserving

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cases limited to the number of vacancies available under the 5% compassionate appointment quota but the case of the applicant was not recommended by the CRC because the family condition of the applicant was not indigent in comparison to the family condition of the recommended candidates. The same was intimated to the Applicant under Annexure-A/5. Accordingly, while denying the allegation of non consideration of the case of the Applicant, Respondents have prayed for dismissal of this OA.

3. Arguments advanced by Learned Counsel appearing for both sides were heard and documents perused. Although appointment on compassionate ground is a benevolent legislation, yet it is trite law that Administrative Tribunals cannot confer benediction impelled by sympathetic considerations in complete disregard to the facts as in the instant case. The appointment on compassionate ground is not another source of recruitment but merely an exception to the requirements 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 the sudden financial crisis. But such appointments on compassionate ground have to be made in accordance with the rules, regulations or administrative instructions taking into consideration the financial condition of the family of the deceased. Employment to the dependant of a government servant dying in harness in preference to anybody else is to mitigate hardship caused to the family of the deceased on account of the unexpected death of the bread earner while in service. To alleviate the distressful condition of the family, such appointments are permissible on compassionate grounds provided one must come with clean hands and situation does really warrant the same. It cannot be provided as a matter of routine or cannot be claimed as a matter of right. At the same time I may state that as the appointment on compassionate ground

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has direct nexus with the right to life enshrined under Article 21 of the Constitution of India and to mitigate the hardship caused due to sudden demise of the bread earner of the family, there should not be much delay in giving consideration to such request of a family member of the deceased as it would tantamount to denial of economic and social justice as enshrined in the Constitution. In the instant case, the Screening Committee after assessing/evaluating the financial conditions/indigence/liability/viability of each of the candidates recommended more deserving case in comparison to the Applicant which cannot be faulted in any manner; especially it is for the Respondents to take a decision who is more deserving to be appointed within the vacancy available under the quota.

However, in terms of DoP&T instruction dated 5.5.2003 the case of the applicant deserves two times more consideration which the Respondents shall do within a period of three months from the date of receipt of copy of this order.

5. In the result, this OA stands allowed to the extent stated above. MA filed seeking condonation of delay is accordingly disposed of. There shall be no order as to costs.


(C.R.MOHAPATRA)
MEMBER (ADMN.)