

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.NO.142 of 2010

Cuttack this the ~~27th~~ day of June, 2011

Smt. Karpura Bhoi Applicant
Versus
Union of India & Ors Respondents

O R D E R

HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

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In this Original Application the applicant has sought
for the following relief:

“To direct the Respondent to consider the case
of the applicant for giving an appointment on
compassionate ground.

2. Brief facts leading to filing this Original Application
are that the husband of the applicant, while working as DBW/T
under the Respondent-Organization passed away on 5.7.2001. In
the above background, the widow on being asked, furnished the
necessary documents in the prescribed format based on which
the former General Manager issued orders to the applicant for
appearing at an interview on 14.3.2002 along with others before
the appointment on compassionate ground could be offered.
Accordingly a score sheet was prepared showing the destitute

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points of the applicant keeping in mind various parameters. The Competent Authority approved the appointment of the applicant on 2.8.2002 as Labourer. In this connection attestation form for Police verification report had been issued to the applicant on 3.8.2002 and satisfactory Police verification report was received on 5.12.2002. While the matter stood thus, the successor General Manager vide his order dated 14.4.2003 turned down the case stating that "we have deployed sizeable nos of female workers in the factory. Unfortunately the productivity is very poor and there is restriction in their deployment. Hence I am not in favour of inducting any female worker on compassionate ground". While the matter stood thus, the applicant received the letter under Annexure-A/8 dated 9.11.2006 wherein it has been stated that in compliance of relevant instructions in the matter of compassionate appointment dated 5.5.2003, the case of the applicant has been closed and accordingly, the applicant has been so informed.

3. I have heard Shri Bhojraj Seth, learned counsel for the applicant and Shri U.B.Mohapatra, learned Senior Standing Counsel appearing on behalf of the Respondents and perused the materials on record.

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4. At the outset it is worthwhile to mention that extension of compassionate appointment as approved by the then General Manager on 2.8.2002 should not have been turned down by the successor General Manager. In this connection, it is pertinent to mention that once an approval is accorded by the formerly competent authority the administrative propriety demands, if the said proposal has to be rescinded and/or altered, as the case may be, by the latter, should have been sent to the next higher authority to take a view in that behalf. Apparently, it has not been approved by the next higher authority.

5. Besides, the above, the object of compassionate appointment is to provide the family with succor to meet the jerk due to sudden death of the bread winner in the family. There is no restriction anywhere in the scheme that the female, particularly, the wife of the deceased, could not be appointed as an compassionate appointee. Therefore, the decision of the competent authority, viz., General Manager, who turned down the compassionate appointment of the applicant that was approved by the then General Manager, is whimsical, arbitrary and does not stand to reason.

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6. The Respondents have not stated anywhere in the counter that the fact of such decision of the successor General Manager in canceling compassionate appointment which was extended to the applicant by the then General Manager, had ever been intimated to the applicant.

7. I have gone through the statement made by the Respondent in the counter in so far as the consideration for compassionate appointment in line with circular dated 5.5.2003 is concerned. The further consideration for compassionate appointment is apparently an eye wash and does not improve the standard of consideration for providing the applicant with compassionate appointment in view of the fact that there being availability of vacancy against which her name was approved and necessary verification was also completed, the subsequent unwanted and arbitrary cancellation of her appointment is against the canon of service jurisprudence and verdict of the Hon'ble Supreme Court laying down the objects of compassionate appointment.

8. In view of this, I have no hesitation to quash Annexure-A/8 dated 9.11.2006. Accordingly, I direct Respondent No.1 to consider the case of the applicant for

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compassionate appointment forthwith on priority basis as the bread that had been provided to the applicant has been snatched away from her mouth without any rhyme or reason and the reason so assigned, is nothing but a whimsical and capricious decision.

9. In the result, the O.A. is allowed. No costs.


(A.K.PATNAIK)
JUDICIAL MEMBER

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