

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A.667 of 1996

Present : Hon'ble Mr.D.Purkayastha, Judicial Member.

SHRI GAUTAM BAGCHI S/o
Late Ganapati Bagchi,
Ex-Constable Driver,
Mobile Civil Emergency Force,
Ministry of Home Affairs,
Govt. of India, 58/1,
Kankurgachi 2nd Lane,
Calcutta-700 054, Resident of
Vill.Ashrabad (Govt.C colony),
P.O. Manicktala, Dist.24 Parganas
(North), West Bengal.

... Applicant

Vs.

1. Union of India through the Secretary, Ministry of Home Affairs, Govt. of India, Central Secretariat, New Delhi-110 001.
2. Director General of Civil Defence, Ministry of Home Affairs, Govt. of India, Indian Express Building, Bahadur Shah Zafar Marg, New Delhi-110 002.
3. Deputy Commandant, Mobile Civil Emergency Force, Ministry of Home Affairs, Govt. of India, 58/1, Kankurgachi 2nd Lane, Calcutta-54.

... Respondents

For the applicant : Mr.P.K.Munsi, counsel.

For the respondents: Mrs.B.Ray, counsel.

Heard on : 2.7.1998

Order on : 2.7.1998

ORDER

The applicant, Gautam Bagchi, ~~being~~ is the son of Late Ganapati Bagchi, who was working as Constable Driver in the Mobile Civil Emergency Force and died on 24.9.1994 while still in service, ^{A const} waiting for his redeployment to any other Central Govt. Office on being declared surplus alongwith other staff of the Mobile Civil Emergency Force, Calcutta, has approached this Tribunal for a direction upon the respondents

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to give him appointment on compassionate ground in a suitable Group-D post.

2. According to the applicant soon after the death of his father, Ganapati Bagchi, he applied for his appointment on compassionate ground by his representation dated 15.12.1994 and the said representation was received by the office on 11.1.1995 and was forwarded on 12.1.1995 to the Ministry concerned for consideration and the same is still pending with them. According to the applicant, there has been inordinate delay in the matter of disposal of his representation for appointment on compassionate ground under the scheme framed by the Government. He has, therefore, approached this Tribunal praying for the aforesaid relief.

3. The case of the applicant has been resisted by the respondents by filing a reply stating that the widow of the deceased is not in a distress condition as upon the employee's death she has received family pension, gratuity, leave salary, GPF and Group Insurance by way of settlement dues. It is also stated in the reply that since the M.C.E.F., Calcutta, has been wound up w.e.f. 1.4.1992 and all posts have been abolished, there is no scope of compassionate appointment in the said office. The respondents have, however, stated that the representation of the applicant for his appointment on compassionate ground has been forwarded to the Ministry concerned for consideration and the same is still pending with the Ministry.

4. Mr.P.K.Munsi, 1st.counsel for the applicant, submits that the applicant can be appointed on compassionate ground under the scheme in any office of the Central Government under the Ministry of Home Affairs. He submits that since the representation of the applicant is pending for consideration with the Ministry, thereby the Ministry may be asked to dispose of the representation after due consideration, within a specified period as may be fixed by this Tribunal.

5. Mrs.B.Ray, 1^d.counsel for the respondents, has drawn my attention to the averment made by the respondents in the reply that the office of the Mobile Civil Emergency Force, Calcutta, has been winded up and all posts have been abolished. Hence, there is no scope for appointment on compassionate ground.

6. I have considered the submissions made by the 1^d.counsel for both sides and have also gone through the record. I find that as per the scheme framed by the Govt. for compassionate appointment, receipt of pension and settlement dues of the deceased employee, cannot stand in the way for getting appointment on compassionate ground. However, I am not passing any final view over the matter since the case of the applicant is under the consideration of the Ministry. It is an admitted fact that the father of the applicant died on 24.9.1994 and more than 3 years have elapsed after his death.

7. The Hon'ble Apex Court has held in the case of Sushma Gosain vs. UOI & Ors. (AIR 1989 SC 662) that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earned in the family. Such appointment should, therefore be provided immediately to redeem the family in distress.

8. Since the matter has been considerably delayed from the date of filing of the representation by the applicant and ~~forwarding~~ the ^{forwarding} of the same to the competent authority on 12.1.1995 for consideration, I find that this is a fit case to issue direction upon the respondents to give a decision upon the matter, by way of a speaking and reasoned order, on the face of the arguments advanced by the 1^d.counsel for the applicant that the applicant can be accommodated in any office of the Ministry of

Home Affairs under the scheme framed for compassionate appointment, as prayed for by him.

9. The respondents are accordingly directed to dispose of the representation of the applicant which is pending before them within a period of 2 months from the date of communication of this order. The decision taken by the authority should be communicated to the applicant within 15 days from the date of taking such decision.

10. The application stands disposed of, awarding no costs.

11-7-98
(D.Purkayastha)
Judicial Member