

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR

Jodhpur, the 14th Day of December, 2015

ORIGINAL APPLICATION No. 290/00006/2014

CORAM :
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Ankur Mathur S/o Late Shri Dinesh Mathur, aged about 24 years, R/o B-136,
Shankar Nagar, Jodhpur (Raj.).

... Applicant

(By Advocate: Mr. Ankur Mathur)

Versus

1. Union of India through the Secretary, Ministry of Agriculture, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi.
2. Indian Council of Agricultural Research through its Director General, Krishi Bhawan, New Delhi.
3. Central Arid Zone, Research Institute through its Director, New Power House Road, Jodhpur.
4. Chief Administrative Officer, Central Arid Zone Research Institute, New Power House Road, Jodhpur.

... Respondents

(By Advocate: Mr. Ashok Chhangani)

ORDER (Oral)

The OA has been filed under Section 19 of the Administrative Tribunals

Act, 1985 seeking the following relief(s):-

"(A) The respondents may kindly be directed to consider the case of the applicant for appointment on compassionate grounds that if found suitable, may be granted appointment on the suitable post.

(B) Any other appropriate order or relief which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of this case may also kindly be passed in favour of the humble applicant.

2. When the matter came up for consideration and hearing today, learned

counsel for the applicant, with reference to the averments made in the OA,

post of T-II-III (Lab Assistant) (Agriculture Chemistry) vide order dated 19/20.05.1986 (Annexure-A/1) and unfortunately, he died while in service on 05.03.2013. The mother of the applicant, had also expired earlier on 15.02.2007. The applicant has no other siblings and is the only survivor after the death of his parents and there being no earning member in the family and the applicant still pursuing his studies, it became very difficult for him to meet the day to day necessities of life. It was further submitted that after the death of father of the applicant, an office order dated 01.04.2013 (Annexure-A/4) was issued by Assistant Administrative Officer, CAZRI by which father of the applicant was promoted to the grade and pay scale of T-(7-8) w.e.f. 01.01.2012. In such circumstances, a PPO for a family pension of Rs.14,210/- per month was issued in favour of the applicant vide order dated 29.06.2013 (Annexure-A/5), which was stated to be effective from 06.03.2013 to 30.12.2013. As the family pension could be disbursed in favour of the applicant till he attained the age of 25 years as per the prevalent rules of the respondent organization his family pension was valid upto 30.12.2013 only. The applicant being in serious financial need, therefore applied for compassionate appointment vide application dated 15.04.2013 (Annexure-A/6) to respondent No.3 on a suitable post on the basis of his qualifications of Senior Secondary. Counsel for the applicant contended that even after passage of considerable period, the respondents have not acted on the application submitted by the applicant and no action has been taken for grant of compassionate appointment, though the respondents are bound to

regard, the counsel for applicant contended that according to the Office Memorandum dated 16.01.2013 (Annexure-A/7) issued by the above Ministry, a dependant family member of a Government servant dying in harness is entitled for consideration for appointment on compassionate basis. However, despite the serious financial condition of the applicant and the prevalent directions on the subject, the respondents have not yet provided appointment on compassionate grounds to the applicant and therefore counsel for the applicant prayed that the respondents may be directed to consider case of the applicant for appointment on compassionate grounds and if found suitable, he may be granted appointment on a suitable post.

3. Per contra, counsel for the respondents, with reference to the points raised in the reply, inter alia submitted that due benefits of applicant's father were granted as per rules and further the case of the applicant for appointment on compassionate grounds is to be made in accordance with the Scheme framed by Government of India vide Office Memorandum No.14014/06/94-Estt.(D) dated 09.10.1998 and No.14014/02/2012-Estt.(D) dated 16.01.2013 for the purpose of appointment on compassionate grounds. Further the compassionate appointment can be made only upto a maximum of 5% quota of vacancies falling under the direct recruitment quota in any Group 'C' or 'D' posts. In the reply it has been also been mentioned that similar requests were received from the dependents of other deceased Government servants, which are also pending due to non-availability of the post/s meant for compassionate appointment in accordance with the

4. Considered the aforesaid contentions and perused the record. It is seen that the applicant being the surviving dependent of his late father who expired on 05.03.2013 (his mother having died much earlier in 2007) filed an application with respondent No.3 for grant compassionate appointment on 05.04.2013 (Annexure-A/6). The family pension given to him was effective from 06.03.2013 to 30.12.2013 only i.e. till the attaining of age of 25 years by the applicant. In view of the reasons given in the application dated 15.04.2013 (Annexure-A/6) especially regarding the financial conditions, the case of the applicant is required to be considered for grant appointment on compassionate grounds. However, as brought out by respondents in their reply, the case of the applicant is to be considered in the light of Schemes framed by the Government of India, including as per the Office Memorandum No.14014/06/94-Estt.(D) dated 09.10.1998 and No.14014/02/2012-Estt.(D) dated 16.01.2013 and up to the vacancies available for compassionate appointment, which is maximum of 5 % quota vacancies falling under the direct recruitment quota in any Group 'C' & 'D' posts.

5. In view of the above position and facts and circumstances of the case, it is deemed appropriate to dispose of this OA with a direction to the respondents to expeditiously consider the case of the applicant for appointment on compassionate grounds as per laid down procedure in the Scheme for compassionate appointment, and in accordance with law. Accordingly, the OA is disposed of as above, with no order as to costs.

