

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**ORIGINAL APPLICATION NO.478/2008.
DATED THE 7th DAY OF JANUARY, 2010.**

**CORAM:
HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER**

Ushakumari K K,
W/o.Late K P Gopalan,
Yugaprabha, Tenhippalam,
Malappuram.

... Applicant

By Advocate Mr R Sreeraj

V/s

- 1 Union of India represented by
its Secretary to Government of India,
Ministry of Home Affairs,
New Delhi.
- 2 The Director,
Directorate of Co-ordination(Police Wireless)
Ministry of Home Affairs,
Block No.9, CGO Complex, Lodhi Road,
New Delhi-110 003.
- 3 The Assistant Director(Admn),
Directorate of Co-ordination(Police Wireless)
Ministry of Home Affairs,
Block No.9, CGO Complex, Lodhi Road,
New Delhi-110 003.
- 4 The Station Superintendent,
Inter State Police Wireless Station,
Kavaratti, UT of Lakshadweep. ... Respondents.

By Advocate Mr Sunil Jacob Jose SCGSC



This application having been heard on 07.01.2010 the Tribunal on the same day delivered the following

(ORDER)

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

1 The applicant's grievance is against the Annexure A-1 OM dated 15.5.2006 by which she was informed that her case regarding appointment on Compassionate Grounds has been finally closed and will not be considered again in terms of the instructions of DOP&T

2 The brief facts of the case are that the applicant is the widow of Shri K P Gopalan, Ex Cipher Operator, Inter State Police Wireless Station, Kavaratti. Shri Gopalan died in harness on 13.1.2002. Her request of compassionate appointment was forwarded by the Station Superintendent, Inter State Police, Kavaratti to the Deputy Director (Cipher), Directorate of Co-ordination, (Police Wireless), Block No.9, CGO Complex, Lodi Road, New Delhi vide Annexure A-3 letter dated 1.2.2002. The said request has not been considered by the respondent department. Alongwith the affidavit filed by the 2nd respondent on 26.8.2009, a list of 61 persons who applied for compassionate appointment and arranged in the order of the death of the respective Government employee was furnished. The Departmental Screening Committee has met for the first time on 20.6.2005. At that time, there were 42 candidates waiting for compassionate appointment. The Committee observed that the panel has not been operated since 1999, since there was a ban on recruitment imposed by the Ministry of Finance and the Screening Committee of the



Ministry of Home Affairs has not given clearance for filling up direct recruitment vacancies. The Committee, has, therefore carried over all the vacancies for the subsequent year. However, the Committee again met on 24.10.2005 and straightaway closed the cases of all applications pending for more than three years in terms of DOP&T OM dated 5.5.2003 which is as under:-

No.14014/19/2002-Estt(D)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training.

New Delhi, dated the 5th May, 2003.

Subject: Time-limit for making compassionate appointments.

The undersigned is directed to refer to Department of Personnel & Training OM No.14014/6/94-Estt(D) dated October 9, 1999 on the above subject and to say that the question of prescribing a time limit for making appointment on compassionate grounds has been examined in the light of representations received, stating that the one year limit prescribed for grant of compassionate appointment is often resulting in depriving genuine cases seeking compassionate appointments, on account of regular vacancies not being available within the prescribed period of one year and within the prescribed ceiling of 5% of direct recruitment quota.

2 It has, therefore, been decided that if compassionate appointment to genuine and deserving cases as per the guidelines contained in the above OMs is not possible in the first year, due to non-availability of regular vacancy, the prescribed Committee may review such cases to evaluate the financial conditions of the family to arrive at a decision as to whether a particular case warrants extension by one more year, for consideration for compassionate appointment by the Committee, subject to availability of a clear vacancy within the prescribed 5% quota. If on scrutiny by the Committee, a case is considered to be deserving, the name of such a person can be continued for consideration for one more year.

3 The maximum time a person's name can be kept under consideration for offering Compassionate Appointment will be three years, subject to the condition that the prescribed Committee has reviewed and certified the penurious condition of the applicant at the end of the first and the second year. After three years, if compassionate appointment is not possible to be offered to the Applicant, his case will be finally closed, and will not be considered again.

4 The instructions contained in the above mentioned Oms stand modified to the extent mentioned above.

5 The above decision may be brought to the notice of all concerned for information, guidance and necessary action."

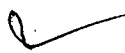
(Vidhu Kashyap)
Director(JCA)

3 The applicant's name appears at Serial no.26 of the list and since her application was also pending for more than three years, her case



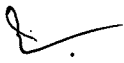
was also closed.

4 I have heard Advocate Mr R Sreeraj. Learned counsel for the Applicant and Advocate Ms Jisha for Mr Sunil Jacob Jose. learned Senior Central Government Standing Counsel for the Respondents. The very object of the scheme for grant of compassionate appointment to a dependent family member of a Government servant who dies while in service or who is retired on medical grounds thereby leaving his family in penury and without any means of livelihood, is to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency. According to the procedure prescribed under the scheme, the application for compassionate appointment should be considered in the light of the instructions issued from time to time by DOP&T on the subject by a Committee of Officers consisting of three Officers – one Chairman and two Members – of the rank of Deputy Secretary/Director in the Ministry/Department and Officers of equivalent rank in the case of Attached and Subordinate Offices. The Welfare Officer may also be made one of the Members/Chairman of the Committee depending upon his rank. The Committee may meet during the second week of every month to consider cases received during the previous month. The applicant may also be granted personal hearing by the Committee, if necessary, for better appreciation of the facts of the case. Recommendations of the Committee should be placed before the competent authority for a decision. If the competent authority disagrees with the Committee's recommendations, the case may be referred to the



next higher authority for a decision.

5 However, in the present case it is shocking to notice that the respondents have not called the Committee to meet since 1998 for considering the case of Compassionate Appointment. As a result, the applicants were waiting indefinitely for decision in their cases. In the present case the applicant's husband died on 13.1.2002. In the same year there were three more applications for compassionate appointment. According to the information now made available by the respondents, there were 12 direct recruit vacancies available for the year 2001-2002. The 5% of the same came to 0.6 which can be rounded off to one. Atleast one of the most deserving applicants who applied during that period could have been granted appointment. Similarly, if the applicant's case was considered as genuine and recommended for appointment by the Committee in 2002 itself, if there were no vacancy available to accommodate her, her case could have been carried over to the year 2002-2003 during which there were 7 Direct Recruitment vacancies and 7 requests for compassionate appointments. Again, for the 3rd year 2003-2004, there were 17 Direct Recruitment vacancies and six applications for compassionate appointment. The applicant was entitled for consideration for appointment during the said period also. However, due to non consideration of the application by the Committee, the most deserving candidates could not be identified with reference to the number of direct recruitment vacancies available and they have been deprived of appointment on compassionate appointment.



6 In view of the above position, the respondents are directed to convene the Committee for appointment on compassionate ground forthwith and place all the cases pending up to date before it. The Committee shall year wise consider each and every case including that of the applicant on merit and decide whether the applicants concerned would deserve compassionate appointment or not. Thereafter, the respondents shall offer of appointments to most deserving candidates in terms of the instructions issued by the Department of Personnel from time to time.

7 With the aforesaid directions, this OA is disposed of. There shall be no orders as to costs.


GEORGE PARACKEN
JUDICIAL MEMBER

abp