

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO.614/2011

Dated this the 14th day of March 2012

CORAM

HON'BLE Mrs.K. NOORJEHAN, ADMINISTRATIVE MEMBER

Ajitha Shaji, W/o late K.R.Shaji, Punneth House,
Vennala P.O, Ernakulam, Cochin-28.

... Applicant

(By Advocate Mr. S.Ramesh)

Vs

1 Union of India represented by the Secretary to Govt,
Ministry of Information & Broadcasting, New Delhi-1.

2 The Director General Prasar Bharathi (Broadcasting,
Corporation of India) Doordarsan Bhavan, Campico Marg
New Delhi-1.

3 The Director, Doordarshan Kendra
Kudappanakunnu P.O, Thiruvananthapuram-14..

... Respondents

(By Advocates Mr. A.D.Raveendra Prasad, ACGSC for R1.
Mr. N. N. Sugunapalan Sr. & Mr S.Sujin for R2&3.)

The Application having been heard on 6.3.2012 the Tribunal delivered
the following:

ORDER

HON'BLE Mrs. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant is the wife of K.R.Shaji who died on 11.5.2009 while
working as Sr.Techician at Doordarshan Kendra, Kochi. The deceased
employee had left behind his wife, the applicant and two school going

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children. The deceased was the sole bread winner in the family who was suffering from Tuberculous Meningitis, Tuberculous Osteomyelitis of spine, Pneumonia, Urinary tract infection, Right Lower limb deep vein thrombosis, Chronic liver disease with drug induced hepatitis, Acute renal failure on dialysis therapy, Sub acute intestinal obstruction, Right lower limb cellulites. Due to the above complicated deceases the diseased had underwent prolonged treatment at various Hospitals. They spent huge amount, approximately Rs.4 lakhs for his treatment. For meeting the expenses they had to sell out all the belongings and now the applicant and her children are left in the lurch with no means of livelihood. Applicant is a B.Sc (Zoology) degree holder and acquired B.Ed with PG Diploma in Computer Applications and belong Scheduled Caste community. It is submitted that As per the compassionate appointment scheme the applicant is eligible to get a suitable appointment in the respondent's department for which she submitted application on 22.1.2010 alongwith necessary certificates. Since there was no response from the respondent, she was constrained to file OA No.1011/2010 before this Tribunal for a direction to consider her grievances. By order dated 29.11.2010, this Tribunal disposed of the OA with direction to the respondents to consider the representation within a period of 3 months. While she was waiting for appointment order, she was informed vide letter dated 24.1.2011 that the Committee considered her application and decided not to recommend her case for compassionate appointment. It is also stated that in addition to the expenses of the education of her children she has to look after the ailing parents of the deceased employee from the meagre income of family pension. Hence she filed this O.A.

2 The respondents contested the OA by filing reply. It is averred in the reply that the object of compassionate appointment is to enable the family of the deceased to tide over the sudden crisis and to relieve the family from financial destitution and to help it to get over the emergency.

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According to them a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities. Other factors are the size of the family, age of the children and number of other dependents of the deceased. It is further submitted that the Committee constituted for grant of compassionate appointment should limit its recommendation to really deserving cases and restricting it to the number of vacancies for that year in the concerned Ministry. It is further submitted that compassionate appointment can be made only against 5% of vacancies of direct recruitment quota in a year in Group-C & D posts and therefore the most deserving person is recommended for appointment. They further added that the name of the dependent can be kept for consideration for compassionate appointment in the list only for three years. Accordingly the request of the applicant was considered by the Compassionate Appointment Committee meeting held on 30.11.2010 but her case could not recommended because of limited number of vacancies and the fact was intimated to the applicant. However, it is averred that there are two more chances of consideration by the Committee in respect of the applicant.

3 Rejoinder is filed to the reply wherein it is stated that as per clause 12 of the guidelines of the Compassionate Appointment Scheme, the Committee should meet during the second week of every month to consider the cases received during the previous month. She averred the meeting of the Committee was held after a long gap. Had the Committee considered her request at the very first stage she could have been accommodated against vacancies which arose in Group-C post. She alleged that the respondents have failed to follow the reservation guidelines while making appointment on compassionate grounds. It is also alleged that she being a SC community is entitled the benefit under reservation policy.

4 Heard learned counsel for the parties and perused the records.

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5 The main contention of the applicant is that the respondents did not entertain her application for appointment on compassionate ground favourably even though she has two minor children who are only students now and she has to take care of her ailing in-laws also.

6 The Scheme evolved by the Government of India for consideration for appointment on compassionate ground to a family member of the Government servant dying in harness leaving behind the family in penury is to extend immediate relief to the family to face the sudden and unexpected economic hardship. There are other parameters like number of dependents, extent of liabilities, etc. In this case, the applicant is wife of the late employee. The respondents contended that the Committee which considered the case of many candidates could not recommend the case of the applicant on relative merit of other deserving candidates and the availability of very few vacancies. The applicants case was scrutinised for the first time in the meeting held on 30.11.2010.

7 Admittedly, the deceased K.R.Shaji died leaving behind him the widow, the applicant, two sons, who are students and his ailing parents. There is no bread winner in the family after the death of the deceased. In Balbir Kaur & Anr. Vs. Steel Authority of India, 2000 SCC(L&S) 767, the Hon'ble Apex Court had held that while considering the case of appointment on compassionate grounds, the retiral benefits received by the family shall not be taken into account meaning thereby the retiral benefits paid to the widow of the deceased should not be made a sole criterion to refuse the appointment to the applicant on compassionate grounds. In the instant case, un-disputedly, the widow has to look after her two children and the ailing parents-in-law. The education of the minor children cannot be overlooked while considering the case of the applicant. Moreover, there is no earning member in the family after the death of the deceased. The respondents have filed a rather sketchy reply as the information given by them is general

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in nature. They have not made any mention about the retiral benefits paid to her or the family has a dwelling place or landed property. The applicant's husband was suffering from a number of diseases. Naturally, the treatment would have cost her Rs.4 lakhs which is a huge liability. She is now entirely responsible for the education of the children and the well being of them and her in-laws. She is in need of some financial assistance. The applicant is a graduate with a Diploma in Computer Applications. It is the duty of the respondents to examine whether within the available 5% vacancies she can be considered for a Group-C post where the work is now outsourced..

8 Therefore, in view of the facts and circumstances of this case, it is just and proper to direct the respondents to consider the applicant for appointment on compassionate ground. I direct 2nd respondent to consider the case of the applicant during the next meeting of the Committee and intimate her about the decision. She a reserved community member should not be overlooked while considering her case for compassionate appointment. The O.A is disposed as above. No costs.

(Dated 14th March, 2012)


K.NOORJEHAN
ADMINISTRATIVE MEMBER

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