

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 25/2008

This the 16th day of July, 2010

Hon'ble Dr. A.K. Mishra, Member-A

Som Singh, Aged about 33 years, S/o late Bhoa Singh, R/o Village Babullapur, P.O. Jhokwara, P.S. Nawabganj, District Pratapgarh
.....Applicant.

By Advocate: Sri A.P. Singh.

Versus

1. Union of India through Secretary, Ministry of Mines, Government of India, New Delhi.
2. Director, Geological Survey of India, N.R., Engineering & Transport Division, Lucknow.
3. Deputy Director General, Geological Survey of India, Northern Region, Lucknow.
4. Sri P.N. Razdan, Deputy Director General, N.R. Geological Survey of India, Lucknow.

.....Respondents

By Advocate: Sri None

ORDER

This is an application against the order dated 11.1.2007 of respondent no.3 in which application for compassionate appointment was rejected.

2. Father of the applicant died on 26.1.2003 while in service with the respondent-authorities. According to the applicant, he submitted an application for appointment on compassionate grounds as the family of the deceased employee was in dire straits and facing acute financial hardship after death of the bread winner. When no action was taken by the respondents, he filed O.A. no. 34 of 2006 on 20.1.2006 in which a direction was given to the respondents to decide the representation of the applicant within stipulated period. The respondent-authorities have rejected his case in the impugned order; hence this Application.

3. According to the applicant, the deceased employee left behind five members including the applicant. Out of them, his mother and one married sister have died in the meantime. Now, he is to look after

himself and two unmarried sisters namely Suman Devi and Nisha Singh. Although, the family got Rs. 1,35824/- by way of gratuity, he had to deposit Rs. 78683/- towards loan incurred by his father from the Co-operative loan Committee. Besides, agricultural income of Rs. 9000/- per annum is too meagre amount to sustain the family; therefore, according to him, he is eligible to be considered under compassionate quota and rejection of his application was not appropriate.

4. The impugned order states that the deceased government servant, as per office records had four members in his family namely Smt. Shyama Devi (Wife), Km. Suman Devi (daughter), Km. Shobha Devi (daughter) and Som Singh (son). Since Smt. Shyama Devi and Shobha Devi are dead, the applicant is to look after himself and one more sister. It is alleged that the name of Km. Nisha Singh has been introduced fraudulently with ulterior motive. She was never a member of the family of the deceased employee. The committee has also observed that the name of Km. Nisha Singh (Sudha Devi, aged about 26 years) was mentioned as a married daughter of the deceased government servant in the application filled in by the applicant in the prescribed format, but the certificate he has procured from Gram Pradhan indicates her age to be 19 years. There was no mention of the name of Km. Nisha Singh in the service book of the deceased government servant; therefore, it was concluded that the subsisting family of the deceased employee consisted now only of one applicant and Km. Suman Devi, his sister. The committee further took the view that the applicant being major should be able to sustain his livelihood by himself.

5. In the Counter Reply, it has been mentioned that the pension papers submitted by the wife of the deceased employee clearly mentions four persons being members of surviving family. The names as per Annexure CA-1 are as follows:

1.	Smt. Shyama Devi	Wife	50 yrs
2.	Km. Shobha Devi	Daughter	6.9.1982
3.	Km. Sudha	Daughter	10.4.1990
4.	Sri Som Singh	Son	15.1.1973



Based on the Service Book entries the respondent no.3 has indicated the details of the family members in the impugned order in the following manner:

1.	Smt. Shyama Devi	Wife	1952
2.	Sri Som Singh	Son	5.7.1973
3.	Km. Suman Devi	Daughter	12.7.1977
4.	Km. Shobha Devi	Daughter	6.9.1982

Annexure CA-2 is an application of two sisters in respect of Group Insurance saving money in favour of their brother. Here, the names of two sisters are indicated as Suman Devi and Shobha Devi, apparently the names of Suman Devi and Sudha Devi have been used interchangeably in respect of one person. The name of Km. Nisha Singh does not find place in any of the entries in the official documents and the papers filed by the employee, his wife and daughters. It figures for the first time in the application dated 27.1.2006 of the applicant. It is the contention of the respondents that this is an interpolation with a view to inflating the number of family members.

6. Learned counsel for the applicant placed before me the judgment and order of this Tribunal in O.A. no. 522 of 2006 which makes the following observations:

“However, taking an over all view of the ratio of the judgments of the Hon’ble Supreme Court, it can be held that though the family pension and other benefits could be taken into consideration while assessing the comparative penurious condition of a family, it should not be the sole criterion on which an application could be rejected. On the other hand, all other factors such as liabilities of the family, absence of any other bread earner, size of family, the age of children, the educational need of minor children, the responsibility of looking after aged parents, availability of a dependable and secure shelter and other relevant factors should be taken into consideration in assessing the comparative merits of the applicant alongwith other applicants. The scheme of the DOP&T refers to some of these factors in its guidelines.”



7. The respondent-authorities should examine all factors relating to financial conditions of the family before deciding a representation for compassionate appointment without rejecting it solely on the ground that the family got retiral benefits and as such was not deserving of consideration.

8. In the present case, the allegation of fraudulent incorporation of additional member in the family requires detailed verification. The impugned order also says that the application form submitted by the applicant with details about the family members was verified by some other persons, who was not an officer of the department. In such a situation, it is incumbent upon the respondent-authorities to get it verified by a responsible officer of the department particularly when there is a dispute about Km. Nisha Singh.

9. In the circumstances, I do not think that all aspects of the case were taken into consideration in the impugned order before rejecting the application for compassionate appointment; as such the impugned order is quashed. The respondents are directed to get the facts about the family members of the applicant verified by a responsible officer of the department and thereafter ascertain the present financial condition of the applicant as well as his liabilities towards other members before coming into a finding about relative merits of his application vis-à-vis others.

10. The O.A. is allowed in the aforesaid terms. No costs.



Dr. A.K. Mishra
Member-A

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