

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

O.A. No. 125 of 2006

Date of order : 30.3.07

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member (J)

Smt. Kundan Devi @ Kundan Kumari, W/o late Arun Kumar, resident of Purani Bhati, Dariyapur Gola Road, Kadam Kuan, Patna.

....Applicant

By Advocate : Shri G. Bose.

Vs.

1. The Union of India through the Secretary, Government of India, Nirman Bhawan, New Delhi.
2. The Secretary, Health Government of India, Nirman Bhawan, New Delhi.
3. The Director, Central Government Health Scheme, Director General of Health Services, Nirman Bhawan, New Delhi.
4. Additional Director, CGHS, 54 South Chhaju Bagh, Patna.

....Respondents.

By Advocate : Shri Dwivedi Surendra

O R D E R

Sadhna Srivastava, M (J):-

The instant application has been filed against the order dated 1.2.2006 (Annexure A/1) passed by the Director, Central Government Health Scheme (CGHS in short), New Delhi, respondent No. 3 in pursuance of order dated 5.9.2005

AB

passed by this Tribunal in OA No. 578 of 2005 whereby the prayer of the applicant to appoint her on compassionate ground has been rejected.

2. The facts, in brief, are that the applicant's husband, Arun Kumar, who was working as LDC in CGHS, died in harness on 8.8.2001 in a Motor Accident, leaving behind wife (the applicant) and three minor daughters. Thereafter, the applicant, i.e. the widow sent an application on 3.9.2001 (Annexure a/3) for her appointment. Her application was recommended by the Additional Director, vide Annexure Annexure A/7 and A/8. But the respondents had not considered the case of the applicant. She filed OA 578 of 2005 before this Tribunal which was disposed of with direction to respondent No. 3 to consider the claim of the applicant for compassionate appointment (Annexure A/12). Pursuant to the order, the respondent No. 3 has passed the impugned order dated 1.2.2006. Hence this OA.

3. While contesting the case of the applicant the respondents have filed written statement alleging therein that



the respondent No. 3 has issued the impugned order based on government rules and decision by Screening Committee. Further, they stated that the applicant has received Rs. 65,687/- as DCRG. The application of the applicant was examined by the Screening Committee and after rejection of her case by the Committee, the respondent No. 3 has issued the impugned order.

4. Rejoinder has been filed by the applicant, reiterating her stand as contained in the OA.

5. Heard learned counsel for the parties and perused the pleadings as well.

6. It is revealed from the impugned order (Annexure A/1) that the Screening Committee out of 106 applications received for compassionate appointment has rejected 57 applications, including that of the applicant, Smt. Kundan Devi, which were pending for more than three years from the date of death or retirement on medical ground of the government servant. It is seen that the applicant's husband died on 8.8.2001 and the applicant applied for compassionate



appointment on 3.9.2001, but no action was taken on the application till 9th December, 2005 when her case was considered by the Committee. Finally, her case was rejected vide order dated 1.2.2006 (A/1) for the reason that the application was pending for more than three years. There is no explanation as to why the respondent department has kept the application pending for about more than four years without taking a decision about the merits on the claims of the applicant. Had the case of the applicant been considered at the right time, probably she could have been appointed on compassionate ground. The very purpose of offering appointment on compassionate ground is to provide immediate assistance to the family of the deceased employee who is in indigent circumstances. Therefore, such a delay in taking a decision in the matter is unpardonable in the absence of any convincing reasons.

7. In Smt. Sushma Gosain & Others vs. UOI & Others, 1989 (4) SCC 468, it was observed that in all claims of appointment on compassionate ground, there should not



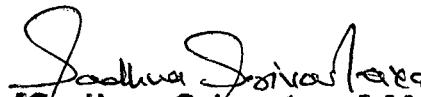
be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is also not reflected from the record that the application was kept pending for want of vacancy. Even if it were so, it was incumbent upon the department to consider the indigent circumstances of the applicant. Therefore, the conclusion is inevitable that consideration has not been given to the case of the applicant on merits.

8. In the circumstances, I of the opinion that the case of the applicant has to be considered on merits in comparison to other applicants who are before the department. Needless to say that depending on the number of vacancies available for appointment on compassionate ground, the most deserving cases are to be provided relief.

9. In view of the above facts and circumstances, the impugned order dated 01.02.2006 (Annexure A/1) is

quashed. The respondents are directed to consider the case of the applicant for appointment on compassionate grounds on merits in comparison with other candidates at the earliest available opportunity.

10. The OA stands disposed of, accordingly, without any order as to the costs.


[Sadhna Srivastava] M [J]

(cbs)