

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOWINDEX SHEETCAUSE TITLE O.T. 78 of 1989 (L)Name of the parties Mirza Jawed Beg Applicant.

Versus.

Union of India and others Respondents.Part A.B.C.

Sl No.	Description of documents	Page
1	check list - A1 - A2	
2	order sheet - A3 - A6	
3	Judgment - A7 - A9	
4	Petition - A10 - A18	
5	Annexure - A19 - A38	
6	Proces - A39	
7	Counter - A40 - A45	
8	Rejoinder - A46 - A52	
9	<u>file - B</u> - B53 - B99	

Checked

23/6/2011

5/5/92

Certified that no further action is required  
to be taken and that the case is fit for  
conveyance to the record room (D)

P. L. A

Regd

# CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 78 of 198

(AI)

APPLICANT (s) Mirza Javed Beg

RESPONDENT(s) Union of India & 2 others  
(M/o Geological Survey of India)

## Particulars to be examined

## Endorsement as to result of Examination

1. Is the appeal competent?
2. (a) Is the application in the prescribed form?
- (b) Is the application in paper book form?
- (c) Have six complete sets of the application been filed?

Yes  
Yes  
Yes  
Two sets filed

3. (a) Is the appeal in time?
- (b) If not, by how many days it is beyond time?
- (c) Has sufficient case for not making the application in time, been filed?

Yes

4. Has the document of authorisation, Vakalat-nama been filed?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed?

Yes

Yes DD 03/2/11 dt. 9<sup>12</sup>/<sub>88</sub> (IPO)

7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?

Yes

- (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?

Yes by the counsel

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?
11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
- (a) Identical with the original ?
- (b) Defective ?
- (c) Wanting in Annexures
- Nos...../Pages Nos..... ?
13. Have file size envelopes bearing full addresses, of the respondents been filed ?
14. Are the given addresses, the registered addresses ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item No. 6 of the application ?
- (a) Concise ?
- (b) Under distinct heads ?
- (c) Numbered consecutively ?
- (d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?
19. Whether all the remedies have been exhausted.

Yes

(B2)

Yes

Yes

No

Yes

Yes

—

—

No

Yes

Yes

NA

Yes

Yes

Yes

Yes

NA

Yes

May be listed before court for admission on 10.4.89.

*[Signature]*  
89

(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 70 of 198 9(C)

APPELLANT  
APPLICANT

M. J. Beg.

VERSUS

DEFENDANT  
RESPONDENT

O.O.C.

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
① 10.4.89	<p>Hon. A. John, A.M. Hon. D.K. Agarwal, J.M.</p> <p>Admit. Issue notice to the respondents to file reply to S.O. The applicant may file rejoinder within two weeks thereafter. The case be listed for 23.5.89</p> <p style="text-align: center;">J.M.                      A.M.</p> <p>OR</p>	<p>OR Dr. Dinesh Chandra takes notice on behalf of O.P. 1 &amp; 3.</p>
② 23.5.89	<p>No Siller. Adjourned to 3.8.89. For.</p>	<p>OR Dr. D. Chandray takes notice on behalf of the O.P. 1 to 2.</p>
③ 3/8/89	<p>Hon. Justice K. Nath, V.C.</p> <p>Mr. Dinesh Chandra for the opposite parties says that the counter is ready but required to be <sup>sworn</sup> <del>stated</del> in. He may file the counter within three weeks. The case be listed for final hearing on 19-9-89 by which date the applicant may file rejoinder.</p> <p style="text-align: right;">V.C.</p>	<p>No reply has been filed so far. Submitted for order.</p> <p>OR</p> <p>No reply filed. Submitted for order.</p> <p>OR</p> <p>No reply filed. Submitted for order.</p>

70/0766

:: 2 ::

Ab

Serial  
number  
of  
order  
and dateBrief Order, Mentioning Reference  
if necessaryHow complied  
with and  
date of  
compliance

6 18/11/67

Hon Justice K Nath, V.C.  
Hon Mr. K. Chayya, A.M.On the request of both the  
parties, the case is adjourned to 2-1-90

V.C.

A.M.

OR  
No R.A. file  
submitted for  
hearingL  
9/11/7Hon'ble Justice K Nath, V.C.  
Hon'ble Mr. K. Chayya, A.M.

7 2/1/90

Shri A. Mateen counsel for the applicant files  
rejoinder and requests for a date for  
hearing. List this case for final hearing  
on 6-3-90.

V.C.

V.C.

OR  
S.D.HL  
5/3/90

8 6.3.90

No sitting of Division Bench case is  
adjourned to 1.6.90S  
ProcOR  
Case is ready for  
hearingL  
20/5

9 1.6.90

Case not reached adjourned to  
17.8.90S  
Proc

10 17.8.90

Case not reached. Adjourned to  
30.10.90S  
Proc

Dinesh

(A7)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH  
LUCKNOW

O.A. No. 78 of 1989

18.7.91

Mirza Jawed Beg

Applicant.

Mr. A. Mateen

Counsel for Applicant

versus

Union of India & others

Respondents.

Dr. Dinesh Chandra

Counsel for the  
Respondents.

Hon. Mr. Kaushal Kumar, Vice Chairman.

Hon. Mr. D.K. Agrawal, Judl. Member.

(Hon. Mr. Kaushal Kumar, V.C.)

In this application filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order dated 1.9.88 filed as Annexure -4 to the application, by which his application dated 25.3.88 for appointment on compassionate grounds was rejected by respondents.

2. We have heard the learned counsel and find that in the present case the deceased government servant left his family comprising <sup>the</sup>widow, an unmarried daughter and the applicant. It is stated in the counter affidavit as follows:

"The daughter of the deceased employee has since been married and the wife of the

*h. h. h. h. h.*

deceased is the only one left to sustain herself on a family pension of Rs 735 pm plus interest on the retirement benefit of Rs 74,735/- which comes to Rs 1350/- pm as against take home salary of her late husband of Rs 1625/-pm in which he was supporting a family of four members. It is relevant to point out that at the time of the death of his father, the applicant was more than 25 years old and could not be treated as 'dependent' for compassionate consideration. In accordance with family pension rules, had the applicant been the only surviving member of the deceaseds' family, he would not have been entitled for family pension."

3. It is pointed out in the rejoinder filed by that the father of the applicant died leaving behind his widow and the unmarried daughter (now married) and there being no other source of livelihood but somehow or the other since the father of the applicant has expired the marriage of the sister of the applicant was solemnised after taking loans from various sources and with whatever funds/amount was received by the widow mother of the applicant from the department and as such at present now the family of Late Sri Mohammad Hanif have come to the verge of starvation and the opposite parties/respondents have gone to the extent of giving excuses while rejecting the application for appointment on compassionate grounds. "

(A9)

4. We find considerable merit and substance in the averments filed on behalf of the applicant. The amount which was received as lumpsum by the family is obviously no more available with the family and a paltry amount of Rs 735/- as family pension cannot be considered adequate for supporting the widow and her son. This would appear to be a fit case which satisfies the parameters and policy guidelines issued by the government for appointment on compassionate grounds. While quashing the impugned order dated 1.9.88 we would not like to give any positive direction regarding appointment of the applicant on compassionate ground. However, in the interest of justice, we direct that the applicant should again make a self contained representation giving all the facts as obtaining at present within a month from today and the respondents should sympathetically consider afresh the case of the applicant for appointment on compassionate grounds and dispose of the representation within a period of three months from the date of receipt of copy of the representation, keeping in view the above observations.

5. The applicant will be at liberty to file a fresh O.A. after his representation has been disposed of by the respondents. Parties to bear their own costs.

DK Aggarwal  
Judl. Member.

*Shameel*  
18.7.91  
Vice Chairman.

Shakeel/

Lucknow Dated: 18.7.91

*Re Dy*  
*J.C. Singh*



(AIO)

Aled today  
7/9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH.

-0-

BETWEEN

Reg. No: 78/89 (L)  
Mirza Javed Beg .. Applicant

AND

Union of India & 2 others .. Respondents

I N D E X

S.N.	DESCRIPTION OF PAPERS	PAGE NO.
01-	Application ..	01 to 08
02-	<u>Annexure No.1</u> Application dt.15.3.88 ..	9- 10
03-	<u>Annexure No.2</u> Letter of O.Ps.dt.25.3.88 ..	11- 15
04-	<u>Annexure No.3</u> Repn.of the mother of applicant ..	16- 18
05-	<u>Annexure No.4</u> Rejection order dt.1.9.88 ..	19- 20
06-	<u>Annexure No.5</u> Dying in harness rules ..	21- 28
07-	Power ..	

Lucknow:Dated:

April  
~~December~~ 7, 1980

Ravi Srivastava  
( Ravi Srivastava ),  
Counsel for the applicant.

Filed Today  
Noted for  
10.4.89  
Ravi Srivastava

(All)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

- o -

OA 70 of 89 (L)

BETWEEN

Mirza Javed Beg

..

Applicant

AND

Union of India and 2 others

..

Respondents.

DETAILS OF APPLICATION

1. Particulars of the applicant:

i. Name of the applicant;

ii. Name of Father/Husband;

iii. Designation and particulars  
of office (name and Station)  
in which employed or was last  
employed before ceasing to be  
in service.

iv. Office address.

v. Address for service of notice.

} Details are  
} given as under.  
}  
}  
}  
}  
}  
}  
}

Mirza Javed Beg, son of Late Mohd. Haneef Beg,  
resident of 176, Peer Bukhara, Chowk, Lucknow.

Address for service  
of notice.

: Shri Ravi Srivastava,  
Advocate,  
152-Ghasiyari Mandi,  
Lucknow.

2. PARTICULARS OF THE RESPONDENTS.

i. Name of the  
Respondents.

: 1. Union of India, through  
the Secretary, Ministry  
of Geological Survey of  
India, Norther Region,

AR

- 2 -

2. Dy. Director General, Northern  
Region, Geological Survey of  
India, Aliganj Complex, Sector  
E, Lucknow.

3. Joint Secretary Incharge of  
Administration, Ministry/Deptt.  
of Geological Survey of India,  
Northern Region,

ii. Father's name : -

iii. Designation and  
particulars of Office  
(Name & Station) in which employed. As above.

iv. Office address As above.

v. Address for service  
of notice. As above.

3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION  
IS MADE:-

The application is for issue of directions to  
the respondents No.1 and 2 for issuance of  
appointment of the claimant/petitioner in the  
office of the opposite parties as per his quali-  
fication on a post under the Provisions of  
Dependants of Government Servants Dying while in  
service retired on invalid pension, on Compasion-  
ate grounds.

4. JURISDICTION OF THE TRIBUNAL.

Applicant/petitioner declares that the subject  
matter is within the jurisdiction of this Hon'ble  
Tribunal.

Ms. Jawad Beg

(A13)

5. LIMITATION.

The applicant further declares that the present application is within limitation prescribed under section 21 of the Administrative Tribunal Act, 1985 in as much as the cause of action is continuing one.

6. FACTS OF THE CASE:

6.1 That the petitioner/applicant's father late Sri Mohd. Hanaef was senior grade driver and was working in the selection grade driver since 1962 in the office of the opposite parties.

6.2 That the father of the petitioner/applicant died while serving with the opposite parties on 24.1.88 leaving behind the petitioner/applicant, the only son, widow mother of the applicant and as well as one sister who has now been married.

6.3 That the petitioner/applicant is Commerce Graduate and has also even done LL.B and thus made an application for his appointment on 15.3.1988 to the opposite party No.2. A true copy of the application is being filed herewith as Annexure-1 to this petition.

6.4 That in pursuance of the above application which was moved by the applicant/petitioner to the opposite parties was moved for being appointed on a suitable post according to his qualifications in pursuance of compassionate appointment of son/daughter/near

misg Javed Beg

A14

- 4 -

relative of the deceased Government Servant who dies in harness.

- 6.5 That the opposite parties after receiving the application moved by the petitioner on 15.3.1988 after acknowledging the same replied vide letter dated 25.3.1988 requiring the mother of the petitioner/applicant that she should ask her son to apply in the enclosed proforma, a true copy of the letter issued by the opposite party No.3 is being filed herewith as Annexure-2 to this petition.
- 6.6 That after that the petitioner gave several reminders to the opposite parties but they kept mum. A true copy of the reminder given by the mother of the applicant/petitioner is being filed herewith as Annexure-3 to this petition.
- 6.7 That the opposite parties on 1.9.1988 had rejected the compassionate appointment of the petitioner stating therein that it has not been found a suitable case by Norther Region of Geological Survey of India, Lucknow. A true copy of the letter issued by the opposite parties dated 1.9.88 is being filed herewith as Annexure-4 to this petition.
- 6.8 That as it will be seen from Annexure-4 that the opposite parties without considering the fact that the father of the petitioner/applicant died in harness and the petitioner being the only son

Mrs. Javed Beg

to look after and take care of his widow mother and as per rules have a right to be appointed in direct recruitment quota as per rules and G.Os. issued by the Government of India from time to time but the opposite parties without taking into consideration this aspect has rejected the application of the applicant/petitioner arbitrarily and with non application of the mind.

- 6.9 That the relevant Rules by means of which the appointments in the Central Government Departments are made on compassionate grounds are being annexed herewith as Annexure-5 to this petition.

7. RELIEF SOUGHT:

In view of the facts mentioned in paras 6.1 to 6.9 above, the applicant/petitioner prays for the following reliefs:-

- 7.1 Necessary orders be issued forthwith to respondents for appointing the petitioner/applicant on an appropriate post as per his qualifications.
- 7.2 To direct the opposite parties to issue forthwith to appointment order to the petitioner/applicant on a post for which he is qualified as per law laid down by the various Hon'ble High Courts and as well as by the Hon'ble Supreme Court for a candidate to be appointed on compassionate ground in lieu of Government Servant dying in harness.

Mixa Javed Beg

1816

7.3 Issue any other order or direction as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and to grant complete relief to the petitioner/applicant.

7.4 To allow this application with cost.

( It is submitted that reliefs sought after are consequential to one another.)

8. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant declares that no other remedy is available to him under the Service Rules. The applicant had made representations, but ~~that~~ his representation has not yet been decided by the opposite parties and inspite of giving appointment to the petitioner/applicant on a suitable post according to his qualifications has rejected the said application of the petitioner/applicant.

9. MATTER NOT PENDING ANY OTHER COURT ETC.

The applicant further declares that the matter regarding which this application has been made, is not pending before any court of law or any other authority or any other Bench of the Tribunal.

G\_R\_O\_U\_N\_D\_S

- i. Because the law laid down by the Hon'ble Supreme Court and as well as by the Hon'ble High Court is universally applicable to all the employees of that category and, therefore, the applicant is also entitled to get the protection of law.

Prize Javeel Beg

(A17)

- ii. Because the law laid down by the Hon'ble Supreme Court and as well as by the Hon'ble High Court is universally applicable to all the citizens of India including the opposite parties and as such the applicant is entitled after he being denied justiciable ~~jurisdiction~~ relief from the opposite parties by this Hon'ble Tribunal by means of direction issued to them.
- iii. Because the applicant/petitioner has got every right for being appointed as per rules mentioned above on a post suitable to his qualification in accordance with law and in view of law laid down by the various Hon'ble High Courts and as well as by the Hon'ble Supreme Court.

10. PARTICULARS OF POSTAL ORDER IN RESPECT OF APPLICATION FEE:-

- 01- No. of the Indian Postal Order- <sup>DD</sup> 031211
- 02- Name of the issuing Post Office- GPO, Lucknow
- 03- Date of issue of Postal Order- 9.12.88
- 04- Post Office at which payable- G.P.O., A.L.D.

11. LIST OF THE ENCLOSURES

As per the Index.

VERIFICATION:

I, Mirza Javed Bag, aged about 24 years, son of Lata Sri Mohd. Haneef Beg, resident of 176 Pear Bukhara, Chowk, Lucknow do hereby verify that

Mirza Javed Bag



810

- 8 -

the contents of para 1 to 11 are true to my own  
knowledge and para                      believed to be true  
on legal advice and that I have not suppressed  
any material fact.

Lucknow: Dated:

~~April~~ 7, 1980  
~~December~~

Mirza Javed Beg.  
Signature of the applicant

Mirza Javed Beg.

(A9)

In the Central Administrative Tribunal, Allahabad  
Bench.

Between

Virza Javed Beg ... Applicant.

And

Union of India and 2 others. Respondents.

I N D E X.

<u>S.N.</u>	<u>Description of Papers.</u>	<u>Page. No.</u>
1.	<u>Annexure No.1</u> Application dt. 15.3.88	9 - 10
2.	<u>Annexure No.2,</u> Letter of O.Ps.dt.25.3.88	11 - 15
3.	<u>Annexure No.3</u> Repn. of the mother of applicant	16 - 18
4.	<u>Annexure No.4</u> Rejection order dt.1.9.88	19 - 20
5.	<u>Annexure No.5</u> Dying in harness rules.	21 - 28
6.	Power	

Lucknow; Dated

, 1989.

( Ravi Srivastava )

Advocate.

Counsel for the applicant.

(A20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

-o-

BETWEEN

Mirza Javed Beg

..

Applicant

AND

Union of India & 2 others ..

Respondents

Annexure No. 1

Mirza Javed Beg

10

(A21)

Lucknow Dated 20th Jan. 1988

To:

The Dy. Director General,  
Geological Survey of India,  
Northern Region,  
LUCKNOW.

Through: Proper Channel

Sub:

Application for appointment on compassionate ground

Sir,

Respectfully I beg to state that my husband Late Mohd. Hanif, S.G. Driver who was working as Selection Grade Driver since 1962 in Geological Survey of India expired on 24.1.1988. In this connection I would request you kindly to appoint my son Shri Mirza Jawad Beg who has passed B. Com., L.L.B. There is not any source of income and financial condition of my family is very bad. Meantime my son Shri Mirza Jawad Beg may be appointed on any post to lead life of my family members.

The necessary prescribed proforma duly filled in is also enclosed for early action in the matter alongwith certificates.

I shall be highly obliged for this action of kindness.

Thanking You.

Yours faithfully

عفت انوار بیگم

(Smt. Azmatun Nisha)

W/O Late Mohd. Hanif, S.G. Driver  
Peer Bakhara, LUCKNOW.

29/1/88

(421)

LUCKNOW Dated 10th Jan. 1988

To:

The Dy. Director General,  
Geological Survey of India,  
Northern Region,  
LUCKNOW.

Through: Proper Channel

Sub:

Application for appointment on compassionate ground

Sir,

Respectfully I beg to state that my husband Late Mohd. Hanif, S.G. Driver who was working as Selection Grade Driver since 1962 in Geological Survey of India expired on 24.1.1988. In this connection I would request you kindly to appoint my son Shri Mirza Jawed Beg who has passed B. Com., L.L.B. There is not any source of income and financial condition of my family is very bad. Meantime my son Shri Mirza Jawed Beg may be appointed on any post to lead life of my family members.

The necessary prescribed proforma duly filled in is also enclosed for early action in the matter alongwith certificates.

I shall be highly obliged for this action of kindness.

Thanking You.

Yours faithfully

عفت انوار بیگم

(Smt. Azmatun Nisha)

W/O Late Mohd. Hanif, S.G. Driver  
Peer Buldhara, LUCKNOW.

27/1/88

Received  
22/3/88

True Copy  
Attended  
Ravi Soodhawa

Mirza Jawed Beg

11

(B22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

-0-

B ETWEEN

Mirza Javed Beg .. Applicant

A N D

Union of India & 2 others .. Respondents.

Annexure No. 2

Ravi Swastana  
D-1

Mirza Javed Beg

12

(A29)

GOVERNMENT OF INDIA  
GEOLOGICAL SURVEY OF INDIA  
NORTHERN REGION  
ALIGANJ COMPLEX, SECTION-E.

26596A  
No. \_\_\_\_\_/A-12012/44/88/Estt. Lucknow dated March 25, 88

Smt. Azmatun-Nisa Begum,  
176, Peer Bukhara,  
Chowk, Lucknow.

With reference to her application dated 15.3.88  
requesting for compassionate appointment of her son  
Mizra Javed Beg, Smt. A.N. Begum is advised to apply  
in the enclosed proforma.

Enclo:-

As above

Paul  
(E.N. Paul),  
Administrative Officer,  
for Dy. Director-General, NR, GSI.

True Copy.  
Affected  
Ravi Swaraj  
del

A24

ANNEXURE

PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF GOVERNMENT SERVANTS DYING WHILE IN SERVICE/RETIRED ON INVALID PENSION

PART - 1

1. (a) Name of the deceased/retired on invalid pension employee. *Late Mohd Hanif*  
(b) Designation of the employee. *Selection Grade Driver*  
(c) Date of birth of the employee. *16.4.1933*  
(d) Date of death/retirement on invalid pension. *24.1.80*  
(e) Total length of service rendered. *24 years 8 months 17 days*  
(f) Whether Permanent or Temporary. *Permanent*  
(g) Whether belonging to SC/ST. *No*

- II. (a) Name of the candidate for appointment. *S/M. Mirza Javed Beg*  
(b) His/her relationship with the employee. *Son*  
(c) Date of birth. *6.7.62*  
(d) Educational Qualifications. *B. Com. L.L.B*  
(e) Whether any other dependent has been appointed on compassionate grounds. *No*

- III. Particulars of total assets left including amount of:-  
(a) Family Pension  
(b) D.C.R. Gratuity  
(c) G.P.F. Balances  
(d) L.I. Policies (including PLI)  
(e) Movable and immovable properties and annual income earned therefrom by the family.  
(f) C.G.E. Insurance amount.  
(g) Encashment of leave  
(h) Any other assets  
Total; \_\_\_\_\_

- IV. Brief particulars of liabilities, if any.

Contd...2/-

True Copy  
Attached  
Ravi Swastava  
Roh

Mirza Javed Beg



A25

P A R T - II

- I) (a) Name of the candidate :  
for appointment.
- (b) His/Her relationship :  
with the employee.
- (c) Educational qualification:  
(Age, Date of Birth) and  
if any,
- (d) Post for which :  
employment is proposed.
- (e) Whether the post is to be:  
filled is Government or  
in a non participating  
office.
- (f) Whether the Recruitment :  
rules provide for Direct  
Recruitment.
- (g) Whether the candidate :  
fulfils the requirement  
of the Recruitment Rules  
for the post.
- (h) A post from Employment :  
Exchange procedure what  
other relaxation are  
to be give.
- (
- II) Whether the facts mentioned  
in Part-I have been verified  
by the office & if so  
indicate the records.
- III) Personal recommendations :  
of the head of the  
Department/Ministry.
- IV) If the employee diedp :  
recruited on invalid  
person more than 5 years  
back, why the case was  
not sponsored earlier.

True Copy  
Attached  
Ravi Srinivasan

Ring Jawed By

(A28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

-o-

B ETWEEN

Mirza Javed Beg .. Applicant

A N D

Union of India & 2 others .. Respondants.

Annexure No. 3

Rajiv Gandhi  
Raj

Mirza Javed Beg

17  
Dated, the 17 August, 1988

From

Smt. Azmatun Nisa Begum  
C/O Mirza M.J. Beg  
176, Peer Bukhara  
Chowk  
Lucknow - 226 003

To

The Deputy Director General  
Northern Region  
Geological Survey of India  
Lucknow

Sub : Appointment of my son Mirza Javed Beg on compassionate grounds

...

Sir,

In continuation of my earlier application and the necessary prescribed form on the subject submitted to your kindness for sympathetic consideration, I have to state as under :

1. that about 7 months have elapsed but neither my son has been given appointment on contingent basis initially, as is generally the practice in G.S.I., nor anything has so far been communicated to me regarding the regular employment of my son.
2. that my son was unemployed and wholly dependent on his father and still he is unemployed and wholly dependent on me.
3. that the sudden and tragic death of his father, has cut short the ambitions of my son for pursuing higher studies and he is now badly in need of employment.
4. that the marriage of my daughter was previously settled and even after the death of my husband, the in-laws pressed for early consummation of the marriage and I had to perform this duty in February, 1988.
5. that one is traditionally bound and has no escape from the customs of the society and I had to perform the marriage of my daughter by honouring these customs and traditions and as is well known marriages in our society are always expensive to meet the expenses of which my late husband had contracted loans to which I perforce and due to the exigencies of the situation had to add further due to which a major chunk of the amount paid by the department has exhausted in wiping these out.
6. that even after marriage one has to honour a lot of customs and traditions for the happiness of one's daughter and I have to meet these otherwise the future of my daughter will be imperilled.
7. that I have to wipe out loans running into thousands taken by my late husband for the construction and completion of the house presently occupied by us.
8. that I have also to get performed certain unavoidable religious rituals and ceremonies concerning the death of my late husband which, as is very well known, go on till the first death anniversary and even thereafter.
9. that it is evident from above that the amounts paid by the department besides the family pension ~~will~~ have been and will be wiped out in meeting the obligations and liabilities mentioned at 5 to 8 above and even some loans will still be left to be wiped out.

Received  
Jas  
10/10

True Copy  
Attached  
Ravi Swastika  
At-

Mirza Javed Beg

128

10. that the family pension of Rs. 750/- is not enough for me and my unemployed son to meet both ends meet during these days of steadily soaring prices and to meet the residual loans, obligations and liabilities as enumerated above.
11. that in view of these facts stated by me above, the case of my son's appointment on compassionate grounds is a fit case for consideration under rules and it is hoped that it will be dealt with as such at your end.

It is, therefore, requested that the case of my son's appointment on compassionate grounds may kindly be dealt with on merit at your end.

An early action in the matter will be highly appreciated.

Yours faithfully,

(Smt. Azmatun-Nisa Begum)

Copy for information and necessary action to :

True Copy  
Attended  
Ravi Swatara

Mirza Jawad Beg

(A29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

-0-

B ETWEEN

Rizze Javed Bog .. Applicant

A N D

Union of India & 2 others .. Rospondents.

Annexure No. 4

*in front of*

*Rizze Javed Beg*

1380

GOVERNMENT OF INDIA  
GEOLOGICAL SURVEY OF INDIA  
NORTHERN REGION  
ALIGARH COMPLEX  
LUCKNOW.

9092A

No.            / A-12012/44/80/Estt. Dated: 1 SEP 1988

Smt. Azmatun-Nisa Begum,  
Wife of late Mohd. Hanief Beg,  
176, Peer Bukhara,  
Chowk, Lucknow.

Sub: Compassionate Appointment of your son Sri Mirza  
Javed Beg.

Ref: Your application dated 15th March, 1988.

I am directed to inform you that your request for compassionate appointment of your son has been considered but it has not been found a suitable case for appointment on Compassionate Grounds in MR, GSI, Lucknow.

*14/10/88*  
( S.K. Mukherjee )  
Admn. Officer,  
for Dy. Director General, A.R.

*Filed  
14/10/88  
Dy. Dir. Genl. A.R.*

(A31)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

-0-

B ETWEEN

Airza Javed Beg

..

Applicant

A N D

Union of India & 2 others ..

Respondents.

Annexure No. 5

Rajiv Mehta  
Al

Airza Javed Beg

A32

GOVERNMENT OF INDIA  
GEOLOGICAL SURVEY OF INDIA  
4, CHOWRINGHEE LANE  
CALCUTTA - 16.

No. \_\_\_\_\_/A-12931/Comp.Apptt./General/84/17D. Dt. Sept., 1987.

To  
The Dy. Director General ( Oprn.),  
ER/NR/WR/SR/NER/CR/Coal Division/  
OME & MG Division/Training Institute/  
AMSE Wing,  
Geological Survey of India.

A copy of the undermentioned paper is forwarded for  
information & necessary compliance.

( D. K. Mitra )  
Administrative Officer,  
for Director (Administration).

PAPER FORWARDED

Copy of the letter No. 4(15)/87-Estt. dt. 17.7.87 from the  
Ministry of Steel & Mines (Department of Mines), New Delhi,  
together with the enclosures addressed to the Director General,  
Geological Survey of India.

True Copy  
Affected  
Ravi Srinivasa  
24/9

noted Javed by



133

No.14014/6/86-Estt (D)  
 Government of India  
 Ministry of Personnel, Public Grievances  
 and Pensions  
 Department of Personnel & Training

New Delhi, the 30th June, 1987.

OFFICE MEMORANDUM

Subject :- Compassionate appointment of son/daughter/near relative of deceased Government servant - Consolidated Instructions.

The undersigned is directed to say that instructions have been issued by this Department from time to time laying down the principles to be followed in making compassionate appointments of sons/daughters/near relatives of deceased Government servants. For facility of reference, the orders issued on the subject have been simplified and consolidated in this Office Memorandum.

1. To Whom applicable:

- (a) To a son or daughter or near relative of a Government servant who dies in harness including death by suicide, leaving his family in immediate need of assistance, when there is no other earning member in the family.
- (b) In exceptional cases when a Department is satisfied that the condition of the family is indigent and is in great distress, the benefit of compassionate appointment may be extended to a son/daughter/near relative of a Govt. servant retired on medical grounds under Rule 38 of Central Civil Services (Pension) Rules, 1972, or corresponding provisions in the Central Civil Service Regularisations before attaining the age of 55 years. In case of Group 'D' employees whose normal age of superannuation is 60 years, compassionate appointment may be considered where they are retired on medical grounds before attaining the age of 57 years.
- (c) To a son or daughter or near relative of a Government servant who dies during the period of extension in service but not re-employment.

2. Authority competent to make compassionate appointments:

- (a) Joint Secretary Incharge of Administration or Secretary in the Ministry/Department concerned.
- (b) In the case of Attached and Subordinate Offices, such power may be exercised by the Head of the Department under Supplementary Rule 2 (10).

contd....2.....

True Copy Attached  
 Ravi Swaraj  
 pd.

Mirza Javed Ali

134

24

3. Posts to which such appointments can be made

Group 'C' post or a Group 'D' post.

4. Eligibility.

- (a) Compassionate appointments can be made only against direct recruitment quota.
- (b) Applicants for compassionate appointment should be appointed only if they are eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.
- (c) Departments are, however, competent to relax temporarily educational qualifications in the case of appointment at the lowest level i.e. group 'D' or LDC post, in exceptional circumstances where the condition of the family is very hard. Such relaxation will be permitted upto a period of two years beyond which no relaxation of educational qualifications will be admissible and the services of the persons concerned if still unqualified, are liable to be terminated.
- (d) Where a widow is appointed on compassionate ground to a Group-D 'D' post, she will be exempted from the requirements of educational qualifications, provided the duties of the post can be satisfactorily performed without having the educational qualification of Middle standard prescribed in the Recruitment Rules.
- (e) In deserving cases even where there is an earning member in the family, a son/daughter/near relative of the deceased Government servant, leaving his family in distress may be considered for appointment with the prior approval of the Secretary of the Department concerned who before approving the appointment, will satisfy himself that the grant of concession is justified having regard to the number of dependents, the assets and liabilities left by the deceased Government servant, the income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the deceased Government Servant and whether he should not be a source of support to the other members of the family.

contd.....3.....

True Copy  
Attached  
Ravi, Sr. Jawa  
Pat.

Mirza Jawad Ali

(A36)

25

5. Extent to which compassionate appointments can be made.

The appointing authorities may ensure that total reservation for Schedule Caste, Scheduled Tribes, Physically Handicapped persons and Ex-servicemen, the details of which are given below, together with carry forward reservation (which at present is applicable only in respect of SC/ST and Physically handicapped persons) should not exceed 50% of the vacancies available on any particular occasion :

* (ii) Scheduled Castes	15%
*(ii) Scheduled Tribes	7½%
*(iii) Ex-servicemen	10%

In Group 'C' posts and 20% in Group 'D' posts subject to proviso 1 of rule 4 of this Department's Notification No. 39016/10/70-Estt.(C) dated 15.12.1979.

(iv) Physically Handicapped persons 3%

\* The percentages of reservation for SC/ST are different in case of offices using 100-point roster at appendix 3 of the Brochure on Reservation for SCs and STs in Services.

6. Relaxation

Compassionate appointments are made in relaxation of the following :-

- Recruitment procedure i.e. without the agency of the staff Selection Commission or Employment Exchange.
- Age limit wherever necessary. The relaxation of lower age limit should not be below 14 years of age.
- Educational qualifications to the extent stated in para 4 above.
- Clearance from Surplus Cell of this Department/Directorate General of Employment and Training.

7. Belated requests for compassionate appointments.

Ministries/Departments can also consider the requests for compassionate appointment even where the death took place long ago, say five years or so, while considering such belated requests it should be kept in view that the concept of compassionate appointment is largely related to the family on the passing away of the Government servant in harness. The very fact that the family has been able to manage somehow all these years should normally be adequate proof to show that the family had some dependable means of subsistence. Therefore, examination of such cases call for a great deal of circumspection. The decision in these cases may be taken at the level of

\* to the need for immediate assistance

True Copy  
Attended  
Ravi Swasth  
Adm

Mirza Javed B-e

036

26

--:(4):--

8. Widow appointed on compassionate grounds getting remarried.

A widow appointed on compassionate grounds will be allowed to continue in service even after re-marriage.

9. Selective approach :

- (a) The appointments made on grounds of compassion should be done in such a way that persons appointed to the post do have the essential educational and technical qualifications and experience required for the post consistent with the requirements of maintenance of efficiency, of administration.
- (b) It is not the intention to restrict employment of son/daughter/near relative of deceased Group 'D' employee to a Gr. 'D' post only.
- (c) As such, a son/daughter/near relative of deceased employee can be appointed to a Group 'C' post for which he is educationally qualified, provided a vacancy in Group 'C' exists.
- (c) As the appointments have to be cleared at the level of the Head of Department and as all the vacancies are to be pooled for compassionate appointment, it may be ensured that subordinate and field offices get an equitable share in the compassionate appointments.
- (d) The scheme of compassionate appointments was conceived as far back as 1958. Since then a number of welfare measures have been introduced by the Government such as the following which have made a significant difference in the financial position of the families of Government servants dying in harness. The benefits received by the family under these schemes may be kept in view while considering cases of compassionate appointment.

1. Under the Central Government Employees Insurance Scheme financial assistance to the family of the deceased Government servant is as under :-

Group 'D' Employees -	Rs. 10,000/-
Group 'C' Employees -	Rs. 20,000/-
Group 'B' Employees -	Rs. 40,000/-
Group 'A' Employees -	Rs. 80,000/-

In addition nearly 2/3rd Rs. of the amount contributed by the Government servant to the fund is also payable alongwith the above amount.

contd.....5.....

True Copy  
Attested  
Ravi Sankar  
Ravi

Mirza Javeed Ali

2. Benefit of encashment of leave to the credit of the deceased Government servant at the time of his death subject to a maximum of 240 days.
3. Entitlement of additional amount equal to the average balance in the GPF of the deceased Government servant during the three years immediately preceding the death of the subscriber subject to certain conditions under the Deposit-Linked Insurance Scheme.
4. Improved family pension.
5. Assistance from Compassionate Fund, wherever necessary.

10. Request for change in post.

When a person has accepted a compassionate appointment to a particular post, the set of circumstances which led to his initial appointment, should be deemed to have ceased to exist and thereafter the person who has accepted compassionate appointment in a particular post should strive in his career like his colleagues for future advancement and ~~he~~ claims for appointment to higher post on consideration of ~~compassionate~~ compassion should invariably be rejected.

11. General.

The proforma as in Annexure may be used by Ministries/ Departments for ascertaining necessary information and processing the cases of compassionate appointments.

Hindi version will follow .

- Sd/-

( K. S. R. Krishna Rao )

Deputy Secretary to the Government of India  
Tele. No. 3013180

contd.....6.....

True Copy  
Attended  
Ravi Swadawa  
Del

mgg Javed Bey

B30

-: ( 6 ) :: -

To

1. All Ministries/Departments of the Govt. of India.
2. All Attached Offices of Department of Personnel & Training.
3. Secretary, Union Public Service Commission, New Delhi.
4. Secretary, Staff Selection Commission, New Delhi.
5. Rajya Sabha Secretariat, Admn. Branch), New Delhi.
6. Lok Sabha Secretariat (Admn. Branch), New Delhi.
7. Supreme Court of India, New Delhi.
8. Commission for Scheduled Casts/Scheduled Tribes, New Delhi.
9. Secretary, Staff Side, National Council, 9, Ashoka Road, New Delhi.
10. CS. II Section, DOP&T.

Copy forwarded for information and similar action to :-

1. Comptroller & Auditor General of India, New Delhi.
2. Secretary, Ministry of Surface Transport,  
(Department of Railways), (Railway Board), New Delhi.

Copy forwarded to Chief Secretaries of all State Governments for information.

Spare Copies - 5000

Sd/-

( K.S.R. Krishna Rao )  
Deputy Secretary to the Govt. of India,  
Tele. No. 3013180

True Copy  
Attested  
Ravi Prasad Singh

Prag Javed By

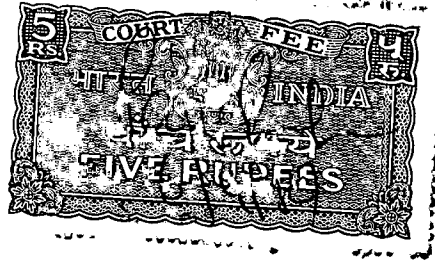
1

(839)

Central Administrative Tribunal  
Lucknow Bench

बादी  
प्रतिवादी

का



.....Mirza Javed Beg.....

बनाम

.....Union of India & others.....

ऊपर लिखे मुकदमे में अपनी ओर से श्री **ABDUL MATEEN, Advocate**  
**RAVI SRIVASTAVA**  
152, Ghasyari Mandi, LUCKNOW-226 001

महोदय,

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुफदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या अपने हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिये यह बकालत नामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर Mirza Javed Beg

साक्षी (गवाह).....साक्षी (गवाह).....

दिनांक.....महीना.....१९ ई०

Accepted

Counsel For.....

Ravi Swastwa  
A2

Accepted  
Ravi Swastwa  
A2

(Ayo)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH : LUCKNOW  
MISC. APPLICATION NO.                      OF 1989

on behalf of respondents.

In  
Case No. OA 78 of 1989

—

Mirza Javed Beg	.	... Applicant
Versus		
Union of India & Others.		... Respondents

—

APPLICATION FOR CONDONATION OF DELAY

The respondents respectfully beg to submit  
as under :

1. That the written statement on behalf of the respondents could not be filed within the time allotted by the Hon'ble Tribunal on account of the fact that after receipt of the parawise comments from the respondents, the draft-reply is sent to the deptt for vetting.
2. That the approved written statement has been received and is being filed without any further loss of time *after serving a copy on the petitioners' counsel.*
3. That the delay in filing the written statement is bonafide and not deliberate and is liable to be condoned.

WHEREFORE it is prayed that the delay in filing the written statement may be condoned and the same may be brought on record for which the respondents shall ever remain grateful and in duty bound.

Lucknow, dated,

4/1/1989

), (L) 2/1/89  
(DR. DINESH CHANDRA)  
COUNSEL FOR THE RESPONDENTS.

*Filed today  
4/12/08*



(A/11)

In the Central Administrative Tribunal at Allahabad  
Circuit bench, Lucknow

Cum No. O.A. 78 of 1989

Mirza Javed Beg ... .. Applicant

Versus

Union of India and Others ... Respondants

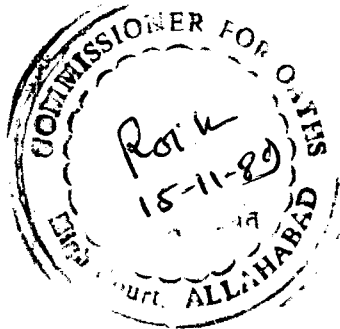
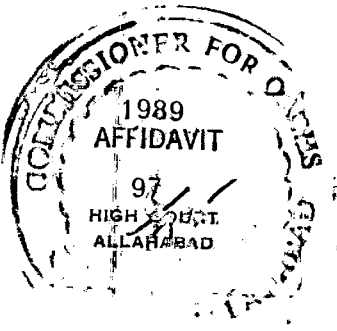
Counter Affidavit on behalf of Respondants

I, Suraj Parkash, aged about 50 years, son of late Chanan Ram, Regional Administrative Officer, Geological Survey of India, Northern Region, Lucknow do hereby solemnly affirm and state as under:-

1. The deponent has been authorised to file this counter affidavit on behalf of all the opposite parties.
2. That the deponent has read and understood the contents of the application filed by the applicant as well as the facts deposed to herein under in reply thereof.

Preliminary Objections

3. That the applicant did not make any representation regarding his appointment on compassionate grounds to the competent authority. Documents dated 29.1.88 and 18.8.88 filed as Annexures 1 and 3 relate to the representation made by the mother of the applicant for the employment of her son. It appears intriguing that even the application for appointment has been signed by the mother of the applicant in her



*By case*

1842

own name.

4. That the father of the applicant died on 24.1.88 and no application for employment or any representation in this regard was ever made by the applicant. The present application was also filed before the Tribunal after the expiry of the limitation period of one year.

5. That the contents of paras 6.1 & 6.2 of the application are admitted.

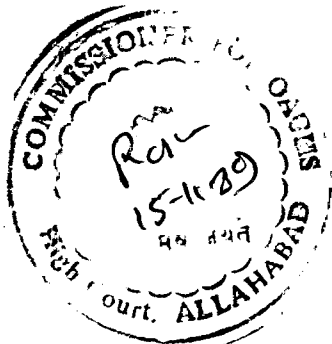
6. That in reply to the contents of para 6.3 of the application it is stated that an application dated 29.1.88 from the wife of the deceased employee for employment of her son on compassionate ground was made. The applicant himself did not make any such application.

7. That the contents of para 6.4 of the application are denied. No application for employment was made by the petitioner.

8. That the contents of para 6.5 of the application are admitted except that no application stated to have been made by the applicant was received in the department.

9. That the receipt of the letter mentioned in para 6.6. of the application is acknowledged.

10. That the contents of para 6.7 of the application are admitted.



Contd....P/ 3

*Sanjay*

AV3

11. That the contents of para 6.8 of the application are not admitted. It is submitted that the case has been examined in the light of the govt. instructions and relevant rules and has not been found to merit consideration for compassionate appointment on the basis of the report ~~of the report~~ of the compassionate appointment committee by the Sr. Deputy Director General, Northern Region being the competent authority. It is however, submitted that the Govt. of India, Deptt. of personnel and training have issued detailed guidelines on the subject of compassionate appointments a copy of which has been annexed with the application as Annexure 5.

In the said guideline it is clearly mentioned that while considering the cases for compassionate appointments, the benefits derived by the family under various schemes of the govt. may be kept in view. Accordingly, the case of the applicant was examined by the Compassionate Appointment Committee, Northern Region taking into consideration the following points:-

1. size of the family
2. Age of the dependant children,
3. Whether the children are school going
4. Retirement benefits received.
5. Amount of family pension,
6. If the retirement benefits received are deposited in bank then whether the amount of interest earned plus family pension will be sufficient to sustain the bereaved family or not.



*Kamal*

11/14

The said Committee arrived at the conclusion that the applicant is a law graduate and is more than 25 years of age and should be able to earn his livelihood, thereby not dependant for compassionate consideration. The daughter of the deceased employee has since been married and the wife of the deceased is the only one left to sustain herself on a family pension of Rs. 735/pm plus interest on the retirement benefit of Rs. 74,735/- which comes to Rs. 1350/-pm as against take home salary of her late husband of Rs. 1625/-pm in which he was supporting a family of four members. It is relevant to point out that at the time of the death of his father, the applicant was more than 25 years old and could not be treated as 'dependant' for compassionate consideration. In accordance with family pension rules, had the applicant been the only surviving member of the deceaseds' family, he would not have been entitled for family pension.

That the grounds taken by the applicant are untenable in law, the application lacks merit and is liable to be dismissed.

22. That the contents of paras 8 and 9 of the application have been discussed in the foregoing paragraphs.

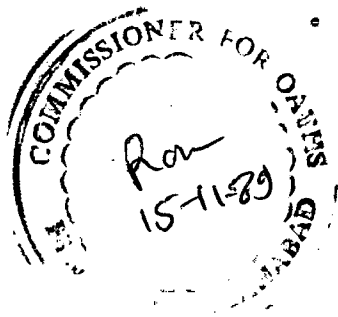
Dated

Lucknow 15-11-89

*Soyash*  
deponent

Contd....P/ 5

*Soyash*



445

### Verification

I, the deponent above named, do hereby  
Certify that the contents of paras 1 to 3 are true  
to my own knowledge and believe to be true and  
paras 9 to 12 are based on records and para - on  
legal advice and that I have not suppressed any  
material fact. So Help me God.

Dated

Lucknow 15-11-89

*Boyal*  
Deponent

I identify the deponent who has signed  
before me and is personally known to me

*(Signature)*  
Advocate

solemnly affirmed before me on 15-11-89 at 11.30 pm/am  
who has been identified by Dr. Pinesh Chandra,  
Advocate. I have satisfied myself that the deponent  
understands the contents of this affidavit  
which has been read over, translated and  
explained to him by me.



OATH COMMISSIONER

*Rajendra*  
(Raj) Kumar Mishra  
OATH COMMISSIONER  
Allahabad

No. 97/17-89  
Date 15-11-89

446

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

Case No. CA 78 of 1989

Mirza Javed Beg .. Applicant

Versus

Union of India & 2 others .. Respondents.

Rejoinder Affidavit to the  
counter affidavit filed on  
behalf of opposite parties

I, Mirza Javed Beg, aged about 29 years, son of Late Sri Mohammad Hanif Beg, resident of 176, Peer Bukhara, Chowk, Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the applicant himself in the above noted case as such is fully conversant with the facts of the case and the facts deposed to hereunder. Further the deponent has gone through the counter affidavit filed on behalf of the respondents and fully understands the same.

2. That the contents of paras 1 and 2 of the counter affidavit need no reply.

LT.  
2/1/90  
Mirza Javed Beg

147

3. That the contents of para 3 of the counter affidavit as alleged are absolutely false and baseless hence denied. It is submitted that the application for appointment on compassionate ground of the applicant was moved by the widow of late Sri Mohammad Hanif who was working in the department of the opposite parties as Senior Grade Driver( in selection grade) and after his death since there was no member in the family to earn the livelihood for the mother of the applicant, aswell as the applicant himself and his sister ( now married) as such the said application was moved as it will be evident from Annexure-1 to the petition by the mother of the applicant. The contents of the same may kindly be perused whereby it has been clearly indicated that how and in what manner the mother of the applicant who had become widow and in what circumstance she required the applicant to be appointed on a post suitable as per his qualifications in the quota of the employees dying in harness on compassionate ground in the department.

4. That the contents of para 4 of the counter affidavit are absolutely false and baseless hence denied. It is submitted that the applicant's father died on 24.1.1988 and the applicant was moved on 29.1.1988 through proper channel and even it was duly accepted and acknowledged by the opposite parties who by their letter dated 25.3.88 indicated that the mother of the applicant should apply in the enclosed proforma even which was duly applied by the mother of the applicant

Md. Javed Beg

(A40)

and when reminder of the same was given on 17.8.1988 vide Annexure-3 to the petition then on 1.9.1988 it was indicated by the opposite parties that the application made by the mother of the applicant has been refused as compassionate appointment of the applicant was considered by them and it was not found to be a suitable case for appointment on compassionate ground in Geological Survey of India (Northern Region, Lucknow).

5. That the contents of para 5 of the counter affidavit need no reply.

6. That the contents of para 6 of the counter affidavit as alleged are denied and for detailed reply foregoing paragraphs may kindly be seen.

7. That the contents of para 7 of the counter affidavit as alleged are denied and those of para 6.4 of the claim petition are reiterated as correct. It is further submitted that for detailed reply foregoing paragraphs may kindly be seen.

8. That the contents of para 8 of the counter affidavit as alleged are denied. It is submitted that the respondents themselves have rejected the application for appointment of the applicant on compassionate ground on the application moved by the mother of the applicant vide order dated 1.9.88 as such now it is not open to the respondents to say that no application has been received for the appointment of the applicant/petitioner in the department of the opposite parties as compassionate



1499

appointment of deceased Government servant dying in harness.

9. That the contents of paras 9 and 10 of the counter affidavit needs no reply.

10. That the contents of para 11 of the counter affidavit as alleged are denied. It is submitted with respect that for rejecting an application of the dependants of a Government servant dying in harness the opposite parties have got many excuses but the facts remains that the applicant is the only son of Late Sri Mohammad Hanif who was working as selection grade Driver in the department of the opposite parties since 1962 and died in harness while serving with the opposite parties leaving behind his widow( the mother of the applicant ) and unmarried daughter( now married) and there being no other source of livelihood but some how or the other since the father of the applicant has expired the marriage of the sister of the applicant was solemnised after taking loans from various sources and with whatever funds/amount was received by the widow mother of the applicant from the department and as such at present now the family of Late Sri Mohammad Hanif have come to the verge of starvation and the opposite parties/respondents have gone to the extent of giving excuses while rejecting the application for appointment on compassionate ground.

That it is further submitted with respect and as it is well evident and clear that in these days of life how much expenditure is incurred while marrying

Ming Javed Beg

a daughter and this Hon'ble Tribunal will be well aware that on the family pension which has been provided for a meagre amount of Rs.735/- per month a person can survive. It is hard truth of life that although well enough in the mouth of the opp. parties/respondents in saying and calculating the amount indicated in para under reply that a family pension of Rs.735/- per month is being provided to the family of deceased Government servant and further the retirement benefits of Rs.74,735/- have also been paid. Only God knows and as well as it will be known to the respondents that how and in what manner it has been calculated ignoring this truth of life that the applicant and the widow of Late Sri Mohammad Hanif had managed her daughter's marriage and what expenditure might have been incurred as such now the family of Late Sri Mohammad Hanif who had served the department of the respondents with hard and efficient services has been handled and crushed under the boots of the respondents on one pretext or the other and based on technical calculations on papers.

That even it is respectfully submitted that the opposite parties/respondents have completely ignored the rules and guide lines formulated for appointment on compassionate ground of the dependants of the Government servant dying in harness on their own norms and rules just to reject the application of the applicant and not give any appointment to the dependant of Government servant dying in harness on compassionate ground.

11. That the contents of para 12 of the counter

affidavit are wholly misconceived and even the deponent is advised to state that the whole counter affidavit is misconceived, frivolous and from the reading of the same it will itself speak the high handedness and arbitrary attitude of the said committee which according to the opposite parties/respondents have considered the appointment of the applicant on compassionate ground with a blind eye and ignoring the hard fact and truth of life.

That the deponent further respectfully submits that the deponent do have a case for appointment on compassionate ground as per rules in the office of the opposite parties/respondents as per his academic qualifications. The deponent further respectfully submits that the above petition is full of merits and is liable to be allowed with heavy costs on the opposite parties for unnecessarily lingering on the matter in these hard days of life merely on the whims and fantasy of meagre things.

Lucknow: Dated:  
December / , 1989

Mirza Javed Beg  
Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 11 of this rejoinder affidavit are true to my personal knowledge except the legal averments which are based on legal advice. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow: Dated:  
December / , 1989

Mirza Javed Beg  
Deponent

Solemnly affirmed before me on

at a.m./p.m. by the deponent

who is identified by *Ravi Mathur* ~~Sri J.P. Mathur~~,

Advocate, High Court, Lucknow Bench,

Lucknow.

I have satisfied myself by examining  
the deponent that he understands  
the contents of this affidavit which  
have been read out and explained to  
him by me.

*Pring Javed B.*