

8

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 152 of 1993

~~Transfer Application No: XXXXX~~

DATE OF DECISION: 16.3.94

Smt. Kalamuni Thirathram Petitioner

Mr. S Natarajan Advocate for the Petitioners

Versus

~~Union of India & Ors.~~ Respondent


Mr. Ravi Shetty for Mr. R.K. Shetty Advocate for the Respondent(s)

CORAM :

The Hon'ble ~~Shri~~ R Rangarajan, Member(A)

The Hon'ble Shri xxxxxxxxxxxxxx

1. To be referred to the Reporter or not ? *no*
2. Whether it needs to be circulated to other Benches of *no*
the Tribunal ?


(R Rangarajan)
Member(A)

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

O.A.NO.152/1993

Smt. Kalamuni Thirathram

Applicant

V/s

Union of India & Ors.

Respondents

Coram: Hon.Shri R. Rangarajan, Member(A)

APPEARANCE:

Mr. S Natarajan
Counsel
for the applicant

Mr. Ravi Shetty for
Mr. R K Shetty
Counsel
for the respondents


ORAL JUDGMENT:

[Per: R. Rangarajan, Member(A)]

DATED: 16.3.1994

Applicant is the widow of late Shri Tirathram Ramdeo Jaiswal, who was working as a labourer (unskilled grade 'D') under respondent. He died on 4.11.91. The deceased left behind his widow and five children of age ranging from 17 to 3 years. She has applied for a compassionate ground appointment for her or her eldest son by her appeal dated 13.12.91. Her request for compassionate ground appointment has been rejected by Respondent no.2 by his letter dated 26.3.92. Assailing the rejection of her request for compassionate ground appointment she has approached this Tribunal on 26.3.1992.

2. The respondents have rejected her appeal as stated above by letter dated 26.3.92. This letter does not indicate the reasons for rejecting the request and it is very cryptic and that the rejection is due to non-availability of suitable vacancy. This letter also



does not indicate whether her request for forwarding the application to the Chairman/DGOF for consideration of her case of compassionate appointment has been forwarded or not.

3. Though the letter dated 26.3.1992 does not indicate any reason it is seen from the written statement of the respondents that the rejection is on account of two fold reasons. The first reason given is that her financial status does not warrant her compassionate appointment as she has got terminal benefits amounting to Rs.31,949, which includes DCRG, CGIES etc., and a pension amounting to Rs. 860 comprising of pension amounting to Rs.470 and relief thereof. It is not stated as to whether the factors like her family size, which comprises of five children, the fact that none of the children is employed is taken into account or not. Consideration of financial status should indicate whether there is necessity or otherwise of giving appointment on compassionate ground on account of size of the family or non-employment of any of her children.


4. Even as per letter of the Ministry of Defence dated 20th September 1988 annexed to the reply state that in deserving cases, even if there is an earning member in the family, compassionate ground appointment is permitted. The criptic order of the Respondent No.2 dated 26.3.1992 does not appear to appreciate this point.

5. The second contention of the Respondents is that neither the widow nor her son~~1~~ is qualified to hold a post of labourer or a messenger Boy. A perusal of



the Ministry of Defence letter dated 20th September 1988 which gives the guidelines for compassionate ground appointment clearly reveals that a relaxation of educational qualifications is permitted in deserving cases. Eligibility condition as incorporated in para 4 of the said letter clearly indicates that even a widow to be appointed on compassionate ground to a Group D post will be exempted from requirement 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. It has to be stated here that the cryptic order dated 26.3.1992 does not indicate whether this point has been taken into consideration while rejecting the appeal for compassionate ground appointment. As stated earlier nothing has been mentioned as to whether her application dated 13.4.1992 as requested by her to forward the appeal to the Chairman DGOF has been complied or not.

6. The rejection of the application in my opinion is very casual and needs further scrutiny at a higher level. Under the circumstances I direct the Respondent no.2 to forward the applicant's appeal with his comments to the Respondent no.1 for his consideration and disposal thereof. While doing so Respondent no.1 will give a speaking order, uninfluenced by the contentions raised in the written submission, with regard to her request for compassionate ground appointment either to her or to her son keeping in mind my observations as above.



7. Time for compliance is three months from the date of receipt of a copy of this order. OA disposed of with the above directions. No order as to costs.



(R Rangarajan)

Member(A)