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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD.

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O.A. 1577/93.

Dt. of Decision : 2.6.1994.

Sri. Sunil Samsani

.. Applicant

Vs.

1. The Director
National Sample Survey
Organisation (Ministry of Planning)
Field Operations Division
West Block No. 8, Wing No.6
1st Floor R.K. Puram,
New Delhi.

2. The Deputy Director
National Sample Survey
Organisation (Ministry of Planning)
Field Operations Division
West Block No.8, Wing No. 6
1st Floor, R.K. Puram
New Delhi.

3. The Regional Asst. Director
National Sample Survey
Organisation, F.O.D.
Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. D. Gopal Rao

Counsel for the Respondents: Mr. N.V. Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

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DA 1577/93.

Dt. of Order: 2-6-94.

(ORDER PASSED BY HON'BLE SHRI A.B.GORTHY,
MEMBER (A)).

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The applicant is the son of Sri S.Govardhan, who died in harness while working as Asst. Superintendent in the National Sample Survey Organisation, Warangal, A.P., on 27-10-87. At the time of the death of the employee his son (the applicant) was 16 years old. Nevertheless the mother of the applicant made a representation in 1987 to the Respondents requesting that her son should be considered for appointment on compassionate grounds as and when he attained majority. Subsequently she again represented on 25-2-91 which was rejected by the respondents, who stated that they took into consideration all the relevant facts of the case.

2. In the reply affidavit, the Respondents stated that after the death of the employee on 27-10-87, it was only on 25-2-91 a representation was received for the first time for appointment of the applicant on compassionate grounds. The case of the applicant was considered and it was found that the widow received a sum of Rs.1,38,874/- by way of terminal benefits. She is also receiving a

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basic pension of Rs.920 + relief which is presently 97% of the basic pay. The applicant's family owns a house which is self occupied. The Respondents further took the view that as there was no request for compassionate appointment immediately after the death of the employee, it could safely ^{be} presumed that the family of the applicant was not in such indigent circumstances as would warrant compassionate appointment to the applicant.

3. The Respondents have drawn my attention to the Government of India, Department of Personal & Training O.M.No.14014/6/86-Estt(1) dt.30-6-87. According to the said O.M., the Ministry/Department can also consider request for compassionate appointment even where death took place long ago, say 5 years or so. While considering such belated request it should be kept in view that the concept of compassionate appointment is for immediate need of the family on the passing away of the employee in harness. The very fact that the family has been able to manage somehow should normally be adequate proof that the family has some dependable means of subsistence. The said O.M. therefore suggests that examination of such cases calls for a great deal of circumspection and decision in such cases should be taken at the level of Secretary only.

To

1. The Director, National Sample Survey Organisation
(Ministry of Planning) Field Operations Division,
West Block No.8, Wing No.6 1st Floor,
R.K.Puram, New Delhi.
2. The Deputy Director, National Sample Survey
Organisation (Ministry of Planning)
Field Operations Division, West Block No.8,
Wing No.6 1st Floor, R.K.Puram, New Delhi.
3. The Regional Asst. Director,
National Sample Survey Organisation,
F.O.D. Hyderabad.
4. One copy to Mr.D.Gopab Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.v.Ramana, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

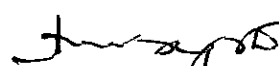
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4. In the instant case on the death of the employee the widow was saddled with the responsibility of bringing up and educating two minor boys. She could not have therefore asked for compassionate appointment for herself. The fact that somehow she had managed for about 4--5 years may be a strong circumstance to show that she had some reasonable source of income but that by itself is not sufficient to establish her financial status. This aspect of the matter should have been therefore carefully examined by the Department, who should take into consideration all the assets and liabilities of the applicant's family. Moreover decision in a case of this nature should be taken, as per the O.M. referred to above at the level of Secretary only.

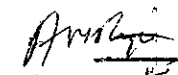
5. In view of the above, this O.A. is disposed of with a direction to the Respondents to depute a responsible officer to carry out ^a thorough enquiry into the financial status of the applicant's family. The report of the said official shall be considered at the level of Secretary before decision in the matter is taken on the merits.

6. Respondents to comply with these directions within a period of 4 months from the date of receipt of this order. O.A. is ordered accordingly. No costs.


(A.B. GORTHI)
Member (A)

Dt. 2nd June, 1994.
Dictated in Open Court.

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Deputy Registrar (C)

TEMPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. G. RTHI : MEMBER(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 2-6 -1994.

ORDER/JUDGMENT:

M.A./R.A/C.A. No.

in

O.A.No. 1577/93.

T.A.No. (W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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