

(25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 93/94.

Dt.of Decision : 11-8-94.

Mrs. B. Jana Bai

.. Applicant.

VS.

1. Union of India, rep. by
its Secretary,
Ministry of Defence,
New Delhi.
2. The Commandant Officer,
EME Records, Trimulgherry,
Secunderabad.
3. The Officer-in-Charge,
EME Records, Trimulgherry,
Secunderabad.

.. Respondents.

Counsel for the Applicant :: Mr. N. Raghavan

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

DA 93/94.

Dt. of Order: 11-8-94.

X As per Hon'ble Shri A.V.Haridasan, Member (J) X

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This application relates to a request by the widow of a deceased peon of EME Record Office, Secunderabad, who died in harness on 6-1-92, for compassionate appointment. The deceased Sathaiah, husband of the applicant was serving as a Peon in the EME Record Office from 1-10-81 onwards. On his death he left behind his widow, who is now 29 years old, 2 young daughters and old parents. The family has nothing to fall back upon apart from the meagre family pension and other retiral benefits. The applicant who is saddled with the responsibility of maintaining the family consisting of two daughters and the old parents of the deceased made a request for an appointment on compassionate grounds on 12-2-92. Her request was considered and the Adjutant General by his order dt. 30-11-92 (Annexure A-2) released one vacancy for appointment of the applicant if the vacancy fell within the prescribed quota and if the applicant fulfilled all the requisite qualifications. While processing the case, the department considered all the aspects and the case of the applicant was recommended as it was felt that it was a case which deserved sympathetic consideration as the condition of the family was one of extreme indigence requiring compassionate appointment

immediately. Though the proposal was forwarded to the Army Headquarters as early as in the year 1992 itself, so far the proposal to appoint the applicant has not been materialised. The applicant has been going on making representations to various authorities including the Hon'ble President as also the Hon'ble Prime Minister explaining the difficulties faced by her in maintaining the family with the meagre family pension. It is finding that her repeated cries for justice did not bear any fruit, that she has approached this Tribunal praying for a direction to the respondents to appoint her on compassionate grounds without further delay.

2. The respondents in their reply conceded that the circumstances of the family of the applicant is one of extreme indigence deserving immediate employment assistance on compassionate grounds. The reason for not appointing the applicant to a post though released by the Adjutant General according to the respondents is that in the past the quota for appointment on compassionate grounds had been exceeded and therefore a committee has been constituted for considering this aspect and that appointment can be made only after the committee taking a decision and in the applicant's turn. Since the fact that the family of the applicant is in extreme indigent circumstances and that it needs immediate employment assistance is a fact beyond dispute. In these circumstances, I am of the considered

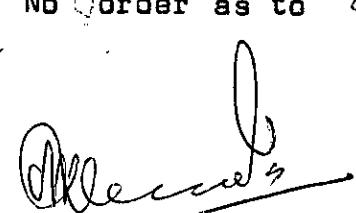
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view that the interest of justice demands the appointment being made without further delay. It has been conceded in the reply statement that the matter is pending since 1992. If the family is in extreme poverty there is no justification in keeping it in animated suspension without telling whether they would get employment assistance or not. The fact that in some past years the authorities had been making appointments in excess of the quota is not an answer to the starving family for it's request for assistance in accordance with the scheme for employment assistance on compassionate grounds. If decisions on matters like this is to be delayed for years, I am of the considered view that the very purpose of the scheme for compassionate appointment will be defeated. If assistance is needed immediately there is no use in giving it after the immediate need ceases to exist. In these circumstances taking into account of the fact that the applicant is a young widow aged 29 years that she has to bring up 2 young daughters and also to look after the old parents of her deceased husband and also of the fact that the family pension in the case of the applicant is very meagre, I find that it is necessary to direct the respondents to consider the case of the applicant as a special one and to appoint her to a Group-D post as early as possible but not later than within 4 months from the date of

.....5.

communication of this order. In the result the application is disposed of with a direction to the respondents to expedite the decision in the matter and to appoint the applicant in a Group -D post on compassionate grounds as a special case within a period of 4 months from the ^{if she is not otherwise ineligible} date of communication of this order. No order as to ~~or~~ costs.


Deputy Registrar
(C)

Dated: 11th August, 1994.
Dictated in Open Court.

Anil
22/8/94
DEPUTY REGISTRAR (C)

Copy to:

1. The Secretary, Union of India,
Ministry of Defence, New Delhi.
2. The Commandant Officer, EME Records,
Trimulgerry, Secunderabad.
3. The Officer in charge, EMD Records,
Trimulgerry, Secunderabad.
4. One copy to Mr. N. Raghavan, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

YLKR

SAC

Typed by *SJS*
Checked by *SJS*

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN: MEMBER(J)

AND

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

Dated: 11.8.94

ORDER/JUDGMENT.

M.R./R.P./C.P.NO.

L.A.NO. 93/94 ⁱⁿ
T.A.NO. (W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Dismissed of with directions.

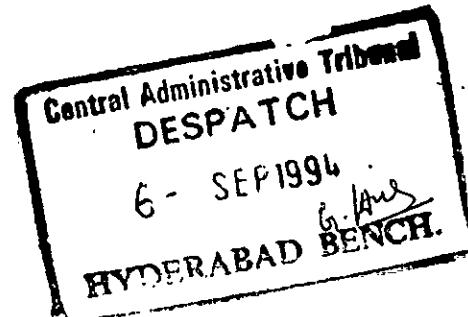
Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



260