

(927)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

D.A. NO.1407/94

Between:

Date of Order: 25.10.95.

K.Yellamma
K.Viswanatham

...Applicants.

And

1. The Commanding Officer,
4, Training Battalion,
1,EME. Centre, Secunderabad- 500 010.
2. The Addl. Dt.General of Staff Duties,
(SD.68), General Staff Branch,
Army Head Quarters, DHQ, P.O.,
New Delhi - 110 011.

...Respondents.

Counsel for the Applicants : Mr.B.G.Ravindra Reddy,

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

CORAM:

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

contd...

X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

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Applicant No.1 is the widow of and applicant No.2 is the son of late Sri Maisaibh, who while working as a Safaiwala under the Commanding Officer, 4, Training Battalion, 1, EME Centre (Respondent No.1) expired on 8.3.1991. The claim of the applicants is for a direction to the respondents to consider the case of the second applicant for suitable appointment on compassionate grounds.

2. The respondents refuted the claim of the applicants by stating that the case of compassionate appointment of applicant No.2 was already considered by the competent authority and was rejected. The respondents took into consideration the fact that two elder sons of the deceased employee are employed and having their own income. Besides, the family was in receipt of Rs 26,712/- as HCRG, Rs.16,417/- as CGEIS and Rs.7,371/- as GPF due to the employee. More over the first applicant is in receipt of family pension of Rs.477/-

2. Heard learned counsel for both the parties. The learned counsel argued by Mr R.G Ravindra Reddy learned counsel for the applicant is that the respondents rejected the case of the applicants solely on the ground that two of the sons

He also brought out that the terminal benefits received by the family were not substantial and that the family pension is also rather meagre. The applicants are saddled with the responsibility of performing the marriage of the youngest daughter (Kalpana). Further it is stated in the OA that applicant No.1 has since become paralytic and she is unable to move or earn her livelihood. In other words, she too has become a burden on applicant No.2.

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These are the vital factors which ^{are} required to be taken into consideration in determining the state of indigency of the applicants' family.

3. There is no doubt that appointment on compassionate ground should be restricted to the son or daughter or widow of a government servant who died in harness and whose family is in a state of indigency, there being no other earning member in the family. The respondents seem to contend that under the Ministry of Personnel, Public Grievance and Pensions (Department of Personnel and Training) O.M.No.14014/6/86-Estt (D), dated 30.6.87 requests for compassionate appointment cannot be ~~acceded~~ to when there is already an earning member in the family. The correct position is clarified in the O.M. at para 4 (e) which reads as under:-

"... 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 a member of the family..."

4. Mr. N. V. Raghava Reddy, learned standing counsel for the respondents has shown me the record in support of his contention that the case of the applicants was duly considered at the level of the Ministry of Defence but was rejected on ~~.....~~. The record indicates that the case was turned down with the approval of the Joint Secretary (E). It is thus obvious that the case was not considered at the level of ~~the Secretary~~ as envisaged in the aforesaid O.M. The

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record would further indicate that some pertinent factors relevant to the determination of the case have not been considered or given their due weightage. These are firstly the fact that applicant No.1 has since become a paralytic patient and secondly the responsibility falling on the shoulders the applicants' family in the matter of performance of the marriage of the youngest daughter. It is also not disputed that the quantum of the family pension, under the extant rules, gets sufficiently reduced after a period of 7 years from the date of death of the employee.

5. Keeping in view the above factors and also the fact that the applicants' family belongs to SC Community, the case of the applicants deserves to be reconsidered at the level of the Secretary, Ministry of Defence. This may be done within a period of 3 months from the date of communication of this order.

6. The OA is ordered accordingly. No costs.

Manohar Ds
R.A.B.GORTHI)
Member (Admn.)

Dated: 25th October, 1995

(Dictated in Open Court)

Anuradha
DEPUTY REGISTRAR(J)

To the ^{sd} Commanding Officer, 4, Training Battalion, 1, EME Centre, Secunderabad - 500 010.

2. The Addl.Dt.General of Staff Duties, (SD.68), General Staff Branch, Army Head Quarters, DHQ, P.O., New Delhi - 110 011.
3. One copy to Mr.B.G.Ravindra Reddy, Advocate. 2-2-1137/R/1/R/1
4. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLR

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 25.10.1995.

M.A./R.A./C.A.NO.

IN

O.A.NO. 1607/84

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED

NO ORDER AS TO COSTS.

Rsm/-

No Spare 10

