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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.ANO.1517/94

Date of Order: 4.1.95

BETWEEN :

Syed Iftequer Hussain

.. Applicant.

A N D

1. Asst. Regional Director,  
Employees State Insurance  
Corporation, 5-9-23, Hill  
Fort Road, Hyderabad- 500 463.
2. Regional Director,  
Employees State Insurance  
Corporation, 5-9-23,  
Hill Fort Road,  
Hyderabad - 500 463.

.. Respondents.

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Mr. K.K.Chakravarthy for  
Mr. G.Bikshapathi

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Mr. N.R.Devraj, Sx-CAS.

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CORAM:

HON'BLE SHRI A.B.GOKARN

O.A.No.1517/94

Date of Order: 4.1.95

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

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Heard Mr. K.K.Chakravarthy for Mr.G.Bikshapathi, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant is the husband of Smt.Shaheeda Begum who while working as U.D.C. in the Employees State Insurance Corporation expired on 4.2.94. The applicant has to look after himself and a child is about one year old. He passed S.S.C. and his request in this OA is for appointment to him on compassionate grounds.

3. Mr. K.K.Chakravarthy, learned counsel for the applicant, states that only the widow, son or daughter of a Government servant but also a widower is entitled to claim appointment on compassionate grounds. In support of his contention he has drawn my attention to the Government of A.P. G.O.Ms.No.1005 E&SW dated 27.12.74. Under the said order a widower is entitled to claim appointment on compassionate grounds and that the benefit of compassionate appointment cannot be extended where the claimant is the husband of the deceased female government servant. He has drawn my attention to Ministry of PPG & B.O.M. dated 9.12.93 which was issued after taking into consideration the judgement

4. Learned standing counsel for the respondents states that only the widow, son or daughter of a government employee is eligible to claim appointment on compassionate grounds and that the benefit of compassionate appointment cannot be extended where the claimant is the husband of the deceased female government servant. He has drawn my attention to Ministry of PPG & B.O.M. dated 9.12.93 which was issued after taking into consideration the judgement

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of the Supreme Court in Auditor General of India and others vs. G. Ananta Rajeswara Rao (1991) 1 SCC 192. As per the O.M., compassionate appointment is restricted to the widow, son or daughter of a government employee who dies in harness. According to the counsel for the respondents the term widow does not cover widower also.

5. In the instant case it is not necessary for me to express any definite opinion on the question whether for the purpose of compassionate appointment, the word widow includes widower also.

6. The facts of the case, as would be apparent from the contents of the OA and <sup>IC 1005</sup> ~~thus~~ stated in the representations of the applicant to the concerned authorities, sufficiently disclose that at the time of the death of Smt. Shaheeda Begum a Security Supervisor. The contention of the applicant is that his employment with Maruti Security Services was on casual basis, and that on the sudden demise of his wife he was <sup>in</sup> a disturbed state of mind and as such could not continue with his job with M.S.S. Except for the fact that the applicant is saddled with the responsibilities <sup>IC 1006</sup> to indicate that the applicant was in a state of penury or that he is in such indigent circumstances as would warrant his employment on compassionate grounds.

7. Mr. K. K. Chakravarthy has drawn my attention to judgement of the Supreme Court in Umesh Kumar Nagpal vs. State of Haryana 1994 (4) SCC 138. It was held therein

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that mere death of an employee does not entitle~~s~~ to compassionate appointment in his family and that the authority concerned must consider as to whether the family of the deceased employee is unable to meet the financial crisis resulting from the employee's death.

8. Learned counsel for the applicant strongly contended that the applicant is a Matriculate and is facing considerable hardship in securing proper employment. Unfortunately such is the situation obtaining in respect of many of the educated youth in this country. The scope of giving employment on compassionate grounds is limited to only such cases ~~the family is left~~ <sup>2</sup> bread winner in such indigent circumstances as would justify immediate employment assistance.

9. Having heard learned counsel for the applicant at ~~the appropriate stage~~ allowed. Accordingly the same is rejected at the admission stage itself in terms of Section 19 (3) of the Administrative Tribunals Act, 1985. No order as to costs.

*Abayomi*  
(A.B.GORTHI)  
Member (Admn.)

Dated: 4th January, 1995

(Dictated in Open Court)

sd

*A. A.*  
By Registrar/Judge

DA 1517/94

TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIOSAN : MEMBER

AND

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

DATED :

4/1/95

ORDER/JUDGEMENT.

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

in

D.A.NO. 1517/94

Admitted and Interim directions issued

Allowed

Disposed of with Directions

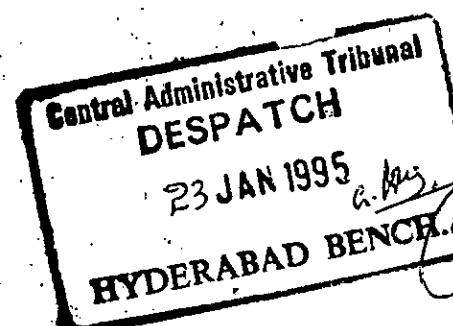
Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

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