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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O. No. 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. Chakravarthi for
Mr. G. Bikshapathi

Mr. N.R. Devraj, Sr. C.G.S.C.

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CORAM:

HON'BLE SHRI A.D. GURUJI

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O.A.No.1517/94

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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 ^{who} 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 has strongly contended that not only the widow 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 G.O. Ms. "The spouse" of a deceased government servant can seek employment without going through the employment exchange.

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 ^{the facts} ~~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 ~~the applicant was employed as~~ 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 ⁱⁿ on 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 ^{to} 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 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 employees 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 where the family is left without bread winner in such indigent circumstances as would justify immediate employment assistance.

9. Having heard learned counsel for the applicant at the hearing, the court is of the opinion that the applicant deserves to be 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.

[Signature]
(A.B.GORTHY)
Member (Admn.)

Dated: 4th January, 1995

(Dictated in Open Court)

sd

[Signature]
Dy. Registrar (Judicial)

DA 1517/94

TYPED BY
CHECKED BY

COMPARED BY
APPROVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

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

AND

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

DATED : 4/1/95

ORDER/JUDGEMENT.

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

in

O.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.

No spare copy

Central Administrative Tribunal
DESPATCH
23 JAN 1995
HYDERABAD BENCH

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