

(75)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1397/95

Date: 28.2.97

Between:

Sunil Samsani

.. Applicant

And

1. The Secretary,
Min. of Planning & Programme
Implimentation,
Deptt. of Statistics,
New Delhi.

2. Joint Director,
National Sample Survey
Organisation,
New Delhi.

3. Regional Asst. Director,
National Sample Survey
Organisation,
Hyderabad.

... Respondents

Mr. N.Rajeshwar Rao

.. Counsel for the applicant

Mr. V.Rajeshwara Rao

.. Counsel for the respondents

CORAM

HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE) *8*

O R D E R

Shri S. Goverdhan, Assistant Duperintendent in the National Sample Survey Organisation (NSSO) in the Department of Statistics, Ministry of Planning, Government of India, passed away on 27.10.87 while on duty. He left behind ~~an~~ wife and two sons, both of whom were minors at the time of his demise. The applicant in this O.A. is the elder son of the deceased employee. The widow of Shri Goverdhan applied for a compassionate appointment for her elder son Shri Sunil Samsani (the applicant in this OA) on 25.2.91. On being asked to submit the application in the proper form she submitted a proper application on 7.5.91. The case was considered and rejected on 6.9.93. Aggrieved by

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the decision of the respondents the applicant filed OA 1577/93 in this Tribunal. The case was 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. Further it was directed that the report of the said official shall be considered at the level of Secretary before a decision in the matter is taken on merits.

2. Pursuant to the said direction the respondent organisation deputed a Joint Director for conducting a detailed enquiry into the financial status of the ~~family~~ dependents of the deceased employee. After making detailed investigations into the financial status of the family, the Joint Director submitted a report on 19.7.94. The same was considered by the Secretary to the Govt. of India, Department of Statistics, Ministry of Planning and Programme Implementation, who did not consider this to be a case deserving of acceptance. Thereupon the applicant made a further representation to the same respondents on 13.5.95 which was replied to on 6th September 1995 reiterating the earlier decision.

3. The grievance of the applicant is that his request for compassionate appointment has not been considered fairly; that the decision taken was contrary to the facts and merits of the case; ^{and} that the decision conveying the rejection of his request was a non-speaking order.

4. The respondents in their reply conform ^a all the basic facts of the case. They have produced a copy of the report submitted by the Enquiry Officer who was deputed to ascertain the financial conditions of the family in pursuance of the earlier judgement of this Tribunal.

5. From a perusal of the record as well as its annexures it is seen that the family of the deceased employee had managed to tide over the crisis of the demise of the bread-winner ^{for} several years before this application was made. The Enquiry Officer was of the view that the family did not appear to be in a state of

indigence and that there appeared to be ^{some undisclosed} ~~an~~ additional sources of income for the family. It is further submitted by the respondents that the scheme of offering compassionate appointments is meant primarily to help family of a deceased employee to tide over the trauma of the loss of the bread-winner ^{and} compassionate appointments cannot ^{be} insisted on or claimed as a matter of right several years after the occurrence of the sad event. In this particular case they are of the view that in as much as the family has been able to repay the posthumous financial obligations of the deceased employee and also ~~xxx~~ to finance the education of two sons beyond college level, ^{that} ~~would~~ itself reveal ~~the~~ the household was not in a state of indigence.

6. The facts of the case have been examined and considered at the highest level on more than one occasion. The respondents **state that they** have used their discretion in the matter against the background of similar applications before them. They hold the view that this is not a case which should merit over-riding consideration in relation to ^{similar} ~~other~~ other applicants. It is also seen that the respondents have fully complied with the directions of this Tribunal passed in ^{the} ~~earlier~~ O.A.

7. Considering the above facts and from the records produced before me I am unable to hold that any injustice has been meted out to the applicant or that his claim has been arbitrarily ^{assessment or} rejected. I see no scope to substitute my ~~discretion~~ ^{discretion} for ~~the~~ the one which ^{has been} ~~exercised~~ exercised by the competent authority after full consideration of ~~the~~ facts. I am also of the view that the decision of the respondents is based on proper consideration of valid facts and circumstances of the case.

8. In the light of what has been stated above, I hold that the decision of the respondents is not incorrect in any manner. I do not find any merit in the applicant's pleas and the O.A. is therefore disallowed. No costs.

(H. Rajendra Prasad)
Member (Admve.)

28 Feb 97

Deputy Registrar (D) ce

O.A.1397/95

To

1. The Secretary,
Ministry of Planning and Programme
Implimentation,
Dept.of Statistics, New Delhi.
2. The Joint Director,
National Sample Survey
Organisation, New Delhi.
3. The Regional Assistant Director,
National Sample Survey Organisation,
Hyderabad.
4. One copy to Mr.N.Rajeswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr.V.Rajeswar Rao, Addl.CGSC.CAT.Hyd
6. One copy to Library, CAT.Hyd.
7. One spare copy.
8. One copy to HHRP-M(A) CAT.Hyd.
9. One copy to D.R.(A) CAT.Hyd.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

Dated: 28-2-1997

~~ORDER~~ JUDGMENT

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

in

O.A.No. 1397/95

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

To order as to costs.

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