

30/100

5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 256/2001

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

E.P/M.A No.....

1. Orders Sheet.....^{OA}.....Pg. 1.....to 2 *order sheet demur*
2. Judgment/Order dtd. *5.6.2002*.....Pg. 1.....to 3 *Pld*.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....*256/2001*.....Pg. 1.....to 22.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
- ~~7. W.S.....Pg. 1.....to 24.....~~
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

bakt
20/12/17

FORM NO. 4

(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI.

ORDER SHEET

Original APPLICATION 256 OF 2001

APPLICANT (S) Smt. Kuntalika

RESPONDENT (S) Ram

ADVOCATE FOR APPLICANT(S) Mr. Rajeswar Atika Sarma

RESPONDENT(S) C.G.S.C.

of the Registry	dated	Order of the Tribunal
6677-3183 11.7.01 12/7/01	13.7.01 mb	Issue notice on the respondents to show cause as to why the application shall not be admitted. Next date 8/8/01 K. Usharma Member Vice-Chairman
sent to respondent vide 12/7/01	8.8.01 mb	List on 5/9/01 to enable the respondents to obtain necessary instructions.
	5.9.01 mb	None is present for the applicant. After hearing Mr. A. Deb Roy, learned Sr. C.G.S.C., the application is admitted. Call for records. List on 9/30/01 for further order.
	9.10.01 mb	Awaited service report. List on 20/11/01 for order.
		K. Usharma Member Vice-Chairman

O.A.256/2001

No. reply has been submitted

20.11.01 List on 29/12/01 to enable the respondents to file written statement.

3/4
8.10.01

Member

Vice-Chairman

① Service report was still awaited

24.11.2002 List on 29.1.2002 to enable the respondents to file written statement.

② No. reply has been filed

3/4
19.11.01

Member

Chairman

No. written statement has been filed.

mb
29.1.02 List on 27.2.02 respondents to file written statement.

3/4
21.12.01

10/11/01
Member

No. written statement has been filed

mb
27.2.02 Post the matter for consideration on 25.3.2002. The Respondents to file written statement, if possible, within 4 weeks from today.

3/4
28.1.02

10/11/01
Member

18.3.2002

W/S submitted by the Respondents

mb

26.3.02 List the respondents share records at the time.

10/11/01
Member

trd

23.4.02 Please refer to the attached documents

21.5.02 ki None appointed again on 5.6.2002 counsel for the

10/11/01
Member

pg

Notes of the Registry

Date

Order of the Tribunal

5.6.02

Heard counsel for the parties.
Hearing concluded. Judgment delivered
in open Court, kept in separate sheets.
The application is disposed of in terms
of the order. No order as to costs.

K. Ushary
Member

[Signature]
Vice-Chairman

pg

ADVOCATE

Note

*Notice heard
5/13 for money
No 1 to 4 by Reg
2/11/02*

7/1/01

*Service report
still awaited*

*No reply has
been received.*

*No
F&S*

4

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./K.X. No. .256, of 2001.

DATE OF DECISION 5-6-2002.

Smt Kunti Mikir

APPLICANT(S)

None present for the applicant ADVOCATE FOR THE APPLICANT(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Sri A. Deb Roy, Sr.C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other benches ?
- 5.

Judgment delivered by Hon'ble Vice-Chairman ..

[Handwritten Signature]

7

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 256 of 2001.

Date of Order : This the 5th Day of June, 2002.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

The Hon'ble Mr K.K.Sharma, Administrative Member.

Smt. Kunti Mikir
wife of late Madan Mikir,
Panjabari, P.O. Dispur,
Guwahati-22.

. . . Applicant.

None present for the applicant.

- Versus -

1. Union of India
represented by the Secretary
to the Govt. of India,
Ministry of Defence,
New Delhi-110 001.
2. The Director General of Services,
Army Headquarters,
New Delhi.
3. The Major General,
Army Officer Commanding,
Eastern Command,
C/O 99 A.P.O
4. The Commandant,
222 Advance Base Ordnance Depot,
C/O 99 A.P.O.

. . . Respondents.

By Advocate Sri A. Deb Roy, Sr.C.G.S.C.

ORDER

CHOWDHURY J.(V.C)

This is an application praying for a direction for appointment on compassionate ground in the light of the policy decision.

2. The applicant is the wife of Madan Mikir since deceased. Late Madan Mikir was a regular employee as Mazdoor in 222 Advance Base Ordnance Depot C/O 99 A.P.O. He died in harness on 2.3.91. The applicant registered her name in the Employment Exchange on 21.7.92 at Guwahati as Scheduled Tribe for her employment and Identity Card was also issued by the Employment Officer. On the death of

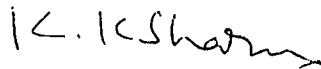
contd..2

her husband the applicant applied for appointment on compassionate ground. Late Madan Mikir left behind the family of nine members including the applicant and his minor child. By communication dated 3.6.92 the respondents asked the applicant to submit her date of birth certificate with certain particulars including an undertaking that she would look after the family of the deceased. According to applicant she furnished those materials but her case was not duly considered.

3. The respondents submitted its written statement and in the written statement it was stated that the applicant submitted application and connected documents requesting for her appointment as Mazdoor under relaxation of normal rules. Accordingly her candidature was forwarded to the Headquarters, Eastern Command on three different occasions. On all the occasions she did not secure the qualifying marks, hence she was not selected. The aforementioned information furnished in the written statement is based on knowledge, information and believe, no such records were placed before us that the case of the applicant was fairly considered and thereafter rejected. As per the norms prescribed by the authority a case for compassionate appointment requires fair consideration and if on consideration her case was rejected the applicant was to be informed accordingly. No such records were made available indicating the case of the applicant that it was considered, on consideration she was not found qualified and that to that effect she was intimated in writing. Admittedly, the applicant is the wife of late Madan Mikir who was working under the respondents and died in harness. It is also not disputed that the applicant is a Scheduled Tribe person belonging to the Karbi community, a most backward tribal community. According

to the applicant she read up to Class X as mentioned in the application. The certificate also indicated her age from where she can readily determine the date of birth. The very scheme of compassionate appointment is meant for giving speedy relief to the family of the deceased, the sole bread earner of the family. Such appointment need not brook further delay. In the circumstances we direct the respondents to consider the case of the applicant sympathetically and pass a reasoned order thereon. The applicant may also submit a fresh representation narrating her grievances giving the factual details to the respondents, if she is so advised within 3 weeks from the date of receipt of this order. The respondents shall dispose of the same within 3 months from the date of receipt of the representation.

The application stands disposed of. There shall, however, be no order as to costs.



(K.K.SHARMA)
ADMINISTRATIVE MEMBER



(D.N.CHOWDHURY)
VICE CHAIRMAN

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH : GUWAHATI.

1)
Filed by :-
Smt - Kunti Mikir -
through :- A Member -
Sri Poleswar Sankar -
11.7.2001 Petitioner

O. A. of 2001.

IN THE MATTER OF :

An application under section 19
of the Administrative Tribunal
Act, 1985.

- A n d -

IN THE MATTER OF :

Srimati Kunti Mikir,
alias Kunti Basumatary,
Wife of Late Madan Mikir,
Resident of Panjabari,
Police Station - Dispur,
Post Office - Dispur, Guwahati - 22,
District - Kamrup, Assam.

... Applicant.

- Versus -

1. The Union of India,
Represented by the Secretary
to the Govt. of India,
Ministry of Defence,
New Delhi - 110 001.

contd.

km

- 2. The Director General of Services
(D G O S) Army Headquarters,
New Delhi - 110 001.
- 3. The Major General,
Army Officer-Commanding
Eastern Command,
C/O 99 A P O.
- 4. The Commandant
222 Advance Base Ordnance Depot,
C/O 99 A P O.

... Respondents.

Details of Application

- 1. The Particulars of the order against which the application is made :-

The application is made against non-appointment of ~~as~~ the applicant in the post of Grade - IV on compassionate ground whose husband died while in service as Mazdoor.

- 2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the application against which the applicant wants redressal her grievances before the Hon'ble Tribunal within the Jurisdiction of the Tribunal.

contd.

3. Limitation :

The applicant further declares that the application is within the Limitation period prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :

4.1. That the applicant is citizen of India and is permanent resident of Guwahati in the district of Kamrup, Assam.

4.2. That the applicant states that she read upto Class - X in 1987 and has not passed the High School Leaving Certificate Examination and she could not go for further prosecution due to her extreme poverty.

A copy of certificate issued on 1.10.87 by the Headmaster is annexed herewith and marked as Annexure - 'A'.

4.3. That the applicant states that she belongs to Karbi Tribe recognised by the Govt. of Assam for the purpose of giving economic, educational and employment benefits against quota reserved for Scheduled Tribes (Hills) Schedule Tribes (Plans) and a certificate is issued on 13.9.91 by the General Secretary, Assam Tribal Sangh and counter signed by Deputy Commissioner, Kamrup, Guwahati.

contd.

A copy of certificate issued on ~~xxix97x~~
13.9.91 is annexed herewith and marked
as Annexure - 'B'.

4.4. That the applicant states that she registered
her name on 21.7.92 before the Employment
Exchange, Guwahati as Schedule Tribe for her
employment and an Identify Card issued on
21.7.92 by the Exmployment Officer, Employment
Exchange, Kamrup, Guwahati.

A copy of Identity Card issued on 21.7.92
is annexed herewith and marked as
Annexure - 'C'.

4.5. That the applicant states that she was married
on 22-6-90 to Mazdoor Late Madan Mikir and
Late Madan Mikir was a regular employee as
Mazdoor in 222 Advance Base Ordnance Depot
C/O 99 A P O and Late Madan Mikir expired
on 2-3-91 due to biting of mad dog resulted
Late Madan Mikir became mad with dog activities
and expired on 2-3-91.

A copy of certificate of employment issued
on 7-1-99 by the Appointing Authority
is annexed herewith and marked as
Annexure - 'D'.

contd.

- 4.6. That the applicant states that Late Madan Mikir expired on 2-3-91 and the Guwahati Municipal Corporation issued on 16-5-91 a Death Certificate of Late Madan Mikir.

A translated copy of ~~Death Certificate~~ issued on 16-5-91 by the Guwahati Municipal Corporation is annexed herewith and marked as Annexure - 'E'.

- 4.7. That the applicant states that she applied on 17.6.91 for appointment on compassionate ground due to died-in-harness in the post of Grade - IV, be fitting to her qualification on the expiry of Late Madan Mikir leaving behind a family of nine members besides ^{herself and} a minor and the family was entirely depending on his income and no other source of income to the poor family and prayed for appointment in place of Late husband as per existing rules in the reserved quota of Schedule Tribe.

A copy of application filed on 17-6-91 by the applicant for applintment on compassionate ground is annexed herewith and marked as Annexure - 'F'.

That the applicant states that the Commandent 222 ABOD Communicated on 3-6-92 to the applicant advising to forwardé the undertaking from her

contd.

km

stating that she will look after the family of the deceased government employee on employment in relaxation to normal rules.

A copy of communication dated 3-6-92 communicated by the commandant is annexed herewith and marked as Annexure - 'G'.

4.9. That the applicant states that she y sworn an affidavit in terms of undertaking stating therein that she will look after the entire family of nine members besides her minor daughter and herself on employment in compassionate ground and submitted the said undertaking before the commandant No.222 ABOD, C/O 99 A P O immediately on receipt of the said communication.

4.10. That the applicant states that she filed an application on 8-1-95 praying for appointment on compassionate ground befitting to her qualification being she is the wife and legal heir of Late Madan Mikir who was the Mazdoor in No.222 Advance Base Ordinance Depot and the said application has not been disposed of till date.

A copy of application submitted on 8-1-95 by the applicant is annexed herewith and marked as Annexure - 'H'.

contd.

4.11. That the applicant states that she filed an application on 22.12.2000 before the Commandant No.222 Advance Base Ordnance Depot C/O 99 A P O praying for appointment on compassionate ground and the commandant, No.222 ABOD has not disposed of the said application till date.

A copy of application dated 22.12.2000 filed by the applicant is annexed herewith and marked as Annexure - 'I'.

4.12. That the applicant states that appointment on compassionate ground to be offered to the Kith and Kin of the deceased government employees who die during their service tenure to be followed. Logic behind such instructions being that such Kith and Kin should be provided with a source of livelihood that they should have respectable living which can only be if post in consonance with the academic qualification are offered.

4.13. That the applicant states that the compassionate ~~grounds~~ appointment not on qualification but on economic ~~gas~~ condition of the family. The only ground which can justify compassionate employment is the penurious condition of the deceased's family. Neither the qualification

contd.

km

of his dependent nor the post which he held is relevant. The applicant and ten other members of the family were depending on the income of Late Madan Mikir and therefore now the respondents particularly the respondent No.4 are bound to appoint the applicant on compassionate ground.

- 4.14. That the applicant states that she approached several times in different occasions before the commandant, No.222 Advance Base Ordnance Depot praying for appointment on compassionate ground and the respondent have not appointed her till date.
- 4.15. That the applicant states that she has not been appointed on compassionate ground since 1991 till date inspite of law laid down appointment on compassionate ground and therefore the respondents particularly the respondent No.4 have committed illegality, unfairness and arbitrariness.

5. Grounds for relief with legal provision :-

- (i) For that the applicant is entitled to be appointed on compassionate befitting to her qualification since her husband Late Madan Mikir was a Mazdoor in No.222 Advance Base Ordnance Depot.

contd.

L.M

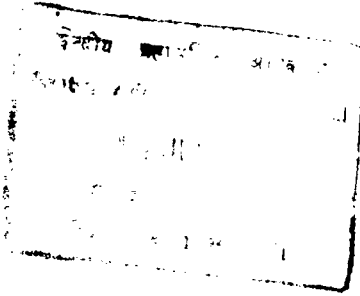
(ii) For that the applicant submitted all documents including Death Certificate of Late Madan Mikir before the respondents for Verification and appointment on compassionate Ground and the respondents have not appointed her till date.

(iii) For that nine members of the family of Late Madan Mikir besides the applicant and her minor daughter were depending on the income of the deceased and therefore the respondents are bound to appoint the applicant on compassionate ground to overcome the no win situation of the deceased's family.

(iv) For that on the expiry of Late Madan Mikir, the members of the family of the deceased face with economic calamity and object of appointment on compassionate ground to get over the financial crisis which faces on the death of the sole bread earner and therefore the respondents are bound to appoint the applicant on compassionate ground.

(v) For that the applicant is a widow and belongs to Schedule Tribe Hills Community and therefore the applicant is bound to get special treatment in case of appointment particularly on compassionate ground.

contd.



- (vi) For that it is a fit case within the jurisdiction of this Hon'ble Tribunal to interfere the matter for the appointment of the applicant on compassionate ground.
- (vii) For that ~~the applicant~~^{respondents} could not ~~el~~ any addition and just reason for their arbitrary action in denying the claim of the applicant.
- (viii) For that the respondents have not considered the adverse effect of the applicant not appointing her on compassionate ground.

6. Details of remedies exhausted.

That the applicant states that she has no other alternative and other efficacious remedy than to file this application. Representations through proper channel were submitted by the applicant on 17.6.91, 8.1.95 and 22.12.2000 to the respondents and subsequently she approached several times in different occasions before the respondents particularly the commandant, No. 222, Advance Base Ordnance Depot, C/O 99 A P O for appointment on compassionate ground and the applicant has not been appointed till date.

contd.

7. Matters not previously filed or pending with P-

That the applicant states that she has not filed any application previously before this Hon'ble Tribunal and no appeal or application is pending in any Hon'ble Tribunal or Court.

8. Relief sought :

In view of the facts and circumstances stated in paragraph 4 above, the applicant prays for the following relief :-

- (i) To pass an order that the applicant is entitled for appointment on compassionate ground in any grade befitting to her qualification.
- (ii) To direct the respondents particularly the commandant, No.222 Advance Base Ordnance Depot, C/O 99 A P O to appoint the applicant on compassionate ground in any post befitting to her qualification.
- (iii) Cost of the application.
- (iv) Any other relief or reliefs to which the applicant is entitled to as this Hon'ble Tribunal may deem fit and proper.

contd.

72

9. Interim order prayed :

Pending disposal of this application on observation may pleased be made that pendency of this application shall not be bar for the respondents particularly the Commandant, No.222 Advance Base Ordnance Depot C/O 99 APO the respondent No.4 to consider the appointment of the applicant on compassionate ground in view of the section 19 (4) of the Administrative Tribunal Act, 1985. The applicant also prays that the instant application be disposed of expeditiously.

10. x x x x x x x x

11. Particulars of Indian Postal Order :

- i) I P O No. : CG 773183
- ii) Date : 1/July, 2001.
- iii) Payable at : Guwahati.

12. List of Enclosures :

- i) Index
- ii) Application.
- iii) Annexures 'A' to Annexure - 'I'.
- iv) Indian Postal order.

contd..... Verification.

1cm

VERIFICATION

I, Srimati Kunti Mikir alias Srimati Kunti Basumatary, aged about 30 years, wife of Late Macan Mikir, Hindu by caste, a ~~real~~ Housewife by profession, in the resident of Panjabari, Post Office - Dispur, Police Station - Dispur, Guwahati - 781 022, in the district of Kamrup, Assam do hereby verify that the statements made in paragraphs - 1 to 4 and 6 to 12 are true to my knowledge and belief and those made in paragraphs - 5 are true to my legal advice and I have not expressed any material fact.

And I sign this Verification on this 11th day of July, 2001 at Guwahati.

শ্রী কুন্টি মিকির

Signature.

TAMULIKUCHI HIGH SCHOOL

Annexm-A

P.O. BURNIHAT
DIST. KAMRUP ASSAM

655

24

TRANSFER CERTIFICATE

This is to certify that S^r/Smti Kunti Basumatari
Son/Daughter of Sri/L^{te} Sarat Basumatari inhabitant
of village Kharalpara P. O. Dolhar left
Tamulikuchi High School on 1-10-87 His/her age at that
date according to admission register was 15 years 2
months 10 days. He/she was reading in class
and passed/not passed the examination for promotion to class
Moral character during this period was Good

All sums due by him/her have been paid.

Reasons of leaving:

- (a) Unavoidable change of residence.
- (b) ~~Ill health.~~ Minor reason
- (c) Completion of Course.

I wish him/her success in life.

[Signature]
7-10-87

Head Master
Tamulikuchi High School
P. O. Burnihat
Kamrup Assam

Seven stars printer, Guwahati-1

[Signature]
[Signature]
11/7

ALL ASSAM TRIBAL SANCTIA

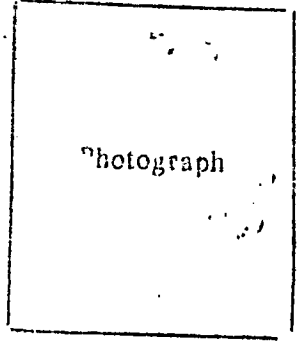
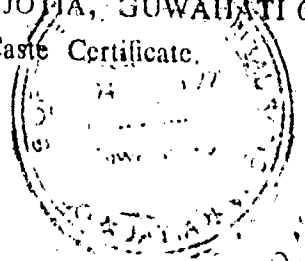
Annex-B

Regd No. 504/1976-77

H. O. JOTIA, GUWAHATI 6

Caste Certificate.

Date 12-03-77



SL. No. 1209

Certified that Shri Miss/Smti [Name] is a permanent resident of village/town [Location] P. O. [Location] District [District] and belongs to the [Tribe] Tribe, which is not a Scheduled Tribe in the aforementioned district, but is recognised by the Govt. of Assam as a "hill tribe in plains" "plains tribes in hill" * for the purposes of giving economic, educational and employment benefits against quotas reserved for Scheduled Tribes (Hills) Scheduled Tribes (plains).

- ☆ Signature of certificate issuing authority.
- ☆ Designation

[Handwritten Signature]
13/9/77

(Seal) General Secretary

President/Vice-President/G. Secy. Tribal Sangha
ALL ASSAM TRIBAL SANCTIA, Ghy.

Countersign
Deputy Commissioner
Magistrate
for Tribal Sanctia
Guwahati.

Gouri Printers GUWAHATI 5

[Handwritten notes]
11/7

Annexure C

Assem Schedule, LXIII, Form No. 11

GOVERNMENT OF ASSAM
DEPARTMENT OF LABOUR
EMPLOYMENT EXCHANGE
IDENTITY CARD

(Not an Introduction card for interview with employers).

- 1. Name of Applicant *K. H. Dasumoty*
- 2. Date of Registration *12/12/1992*
- 3. Registration No. *1992*
- 4. N.C.O. Code No. *18*

INSTRUCTIONS TO APPLICANT

- (a) Bring this card with you whenever you come to the Exchange.
- (b) Quote your Registration Number and N.C.O. Number whenever you write to the Exchange.
- (c) Renew your Registration every three months. If you do not renew by the due date your registration will be cancelled.
- (d) You can renew your registration personally or by post. For renewal by post DO NOT SEND THIS CARD. Apply to the Exchange on a REPLY PAID POST CARD.

CONFIDENTIAL

Handwritten signature/initials at the bottom of the page.

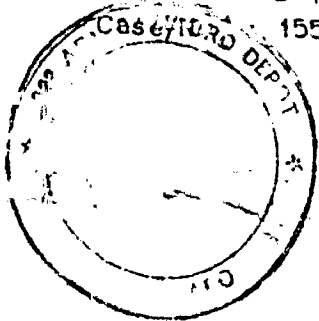
TO WHOM IT MAY CONCERN

This is to certify that Ex T/No 1646 Mazdoor Late Madan Mikir was an Employee of this Depot. He expired on 02 Mar 91 and Mrs Kunti Mikir is his wife as per records held in this Office.

Station : C/O 99 APO
Unit : 222 ABOD
Dated : 02 Jan 99

J P Minz
(J P Minz)
OOC(Adm)
~~Officer (Civ)~~
~~for Consultant~~

1558/NE/PEH/MK/TEL/ /Est



Approved
M. S. Bora
7

Annexure - E

(TRANSLATED COPY)

Govt. of Assam
Office Seal.Sl.No.414
Form No.10.

Public Health Department,

DEATH CERTIFICATE.

Certified that Guwahati Municipal Corporation
registered during the month of March, 1991.

Name : Madan Mikir

Male/Female : ~~Female~~ Male.

Date of Death : 2 March 1991

Place of death : Panjabari, Guwahati.

Name of father : Sri Lalak Mikir.

Name of permanent address : Panjabari, Guwahati-22.

Caste : Indian.

Permanent address : Panjabari, Guwahati - 22.

Registration No. 575.

Date of registration : 13.3.1991.

Sd/- XXX

Signature of Competent Authority.

Designation : Dr. B. Choudhury,
Registrar,
Birth and Death,
Guwahati Municipal Corporation.

Date : 16-5-91.

Sd/- XXX

Signature of Chief Registrar.

To

The Commandant
222 ABOB
C/O 99 APO

Sub:- Employment of next of kin deceased person

Respected Sir:

With due respect and humble submission; I beg to state the following few lines for your kind consideration and favourable action please.

That sir; my husband Ex T. No 2016 Mad. Late Madan Mikir who has been working under your command expired on 2-3-91 leaving behind a family of nine besides a minor daughter and mother and the family is entirely depend on his income and no other source of income to the poor family.

Therefore my humble submission is that; I may please be appointed in place of my late husband as per existing rules in the reserve quota of ST.

For this act of kindness and sympathy; I and my family will ever remain grateful to you.

Thanking you

Yours faithfully
Kunti Mikir
(W/O Late Madan Mikir)
T. No. 2016 Mad

Date: 17 Jun 91
Place:

Accepted
17/6

Attested
17/6

Registered by post

1504/Relax/886/Est

222 Agrim Sthai Ayudh Brandar
222 Adv Vase Ordnance Depot
C/O 99 APO

Smt. Kunti Mikir

92

W/o. Late Madan Mikir

03 June 92.

Vill - Panjabari

P.S. Dispur, Assam.

EMPLOYMENT IN RELAXATION TO NORMAL RULES

1. Refer to your application dated 17 June 91.
2. You are hereby advised to forward the following documents for employment in relaxation to normal rules.
 - (a) Certificate of date of birth together with an affidavit in original executed by you to prove your age and their photostate copies in duplicate duly attested.
 - (b) Movable and immovable property certificate from the Tahasildar/Revenue authorities/Affidavit from District Magistrate and also annual income occurring therefrom in original alongwith two photostate copies thereof duly attested.
 - (c) Undertaking from you stating that you will look after the family of the deceased Govt. employee to be furnished in original alongwith two photostate copies thereof duly attested.
 - (d) Request from you for getting employment for yourself to be furnished in triplicate.
 - (e) Application forms in triplicate are forwarded herewith for your signature and return the same alongwith the above documents.

It is intimated that your case for comp. in relaxation to normal rules could not be placed before the Board of Offrs. due to the ^{lack} of the above documents. Hence you are requested to ^{forward} the same for next change.

Recd

Major
Pers Offr (Civ)
for Commandant.

AM-1-11
11/7

To,
The Personnel Officer(OIV),
222 ABOD.

Annex-4

31

Sub. : Prayer for appointment on
Compassionate Ground.

Sir,

File- 8-1-94-

Most respectfully, I would like to take this opportunity of placing before your kindness the following facts for favour of your sympathetic consideration.

Sir, I, Smti. Kanti Miki, Widow of Late Mada Miki, who was serving in your organisation in the post of Office Assistant, wish to submit this application to appoint me in the place of my deceased husband on humanitarian and compassionate ground. I have already submitted an application to that effect but due to my domestic pre-occupation I had to leave Guwahati and stay in my home-place Goalpara for a few months. Now, I have come to know that during my period of absence, a letter from your end to appoint me in your organisation was sent but as my exact address was not known, the letter did not reach me.

Under the circumstances, I pray to re-consider my prayer for appointing me in your organisation so as to enable me to survive.

All my particulars were already submitted to your office for your kind personal and necessary considerations.

For your kind help and co-operation in this regard, I shall remain ever grateful.

With my best regards,

Yours faithfully,

Kanti Miki.

(KANTI MIKI.)
Upper Hengrabari,
Distt. Goalpara-6.

22

32

Annexure - I
22-12-2000.

To

The Commandant
No. 222 Advance Base Ordnance Depot
C/O 99 A P O.

Subject : Prayer for appointment on compassionate
ground.

Sir,

Most respectfully I beg to state that my husband Late Madan Mikir was the Mazdoor in your Depot who expired on 2-3-91 during the tenure of employment leaving nine members besides myself and my minor daughter were depending on his income and he was our bread earner. I am a Karbi Community and Schedule Tribes Hills. I approached several times in different occasions since 1991 till date ^{for} my appointment compassionate ground has not been considered till

It may be stated that many compassionate appointments have been made leaving behind my appointment.

It is most respectfully prayed that Your Honour would be graciously pleased to appoint me in the post befitting to my qualification on compassionate ground and for this act of kindness I shall ever pray.

Yours faithfully,

Sd/- (Smt. Kunti Mikir)
Wife of Late Madan Mikir,
Panjabari, Guwahati - 22.

Handwritten notes and signatures at the bottom of the page, including "A. P. O." and "11/12".

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

O.A.NO.256 OF 2001

SMT KUNTI MIKIR.

VS

Union of India & Ors.

- AND -

IN THE MATTER OF ::

Written statement submitted by
the respondents.

The respondents beg to submit the written statement
as under.

1. That with regard to para - 1 of OA, the respondents beg to state that the necessary instructions/guidelines/policies in connection with appointment under relaxation to normal rules was laid down vide Army Hq letter Nos 93669/Policy/03-80 (1) dated 08/06/89 and 93669/Policy/03-80 (1) dtd. 24/9/98, Subsequently, Army Hq vide letter No- 93669/Policy/03-80 (1) dated 30/7/99 (Photocopy attached) issued fresh policy. superseding the earlier policy on the subject. It may be mentioned that application in connection with the "appointment under relaxation to normal rules" are entertained from

Contd...P/2

Filed by

16/3/02

(A. P. SOY)

W. C. S. C.

C.A.T. Guwahati Bench

33

- 2 -

the members of the expired/retired personnel and subsequently a Board of Officers scrutinises, the most deserving cases based on the marks obtained by them.

The criteria for allotting marks to the candidates is laid down in Army HQ policy letter dated 8/6/89 and 30/7/99. The marks are strictly awarded/allotted by the Board of Officers according to the laid down norms as mentioned in Army HQ letters above. It is further submitted that as per the latest policy of Army HQ only the most deserving cases are recommended by the Board of Officers.

Based on the availability of vacancies, the names of candidates and other details are forwarded to Higher HQS for appointment under relaxation to normal rules. It is submitted to the Hon'ble Tribunal that the applicant of the instant OA, had submitted application and connected documents requesting for appointment as mazdoor under relaxation to normal rules. Accordingly, the details of the applicants candidatures was forwarded to HQ Eastern Command on three different occasions.

On all the three occasions, Smt. Kunti Mikir could not secure the qualifying marks and hence she was not selected. The petitioner could not secure qualifying marks as per merit and fulfil the required criteria in the employment under relaxation to normal rules on all the three occasions. Due to the non

Contd...P/3

fulfilment of required criteria by the petitioner on all the three occasions, her candidature was finally rejected as per latest policy. It is reiterated that due to policy constraints the applicant could not be appointed by the Govt.

As per existing policy, total vacancies for compassionate appointment are to be worked out at the scale of 5% of the total wastage in the Corps, in the preceding years and vacancies to Command/CODs are allotted on Prorate basis on the number of death invalidation cases (refer Army HQ letter dated 8/6/89 and 30/7/99). In fact, the petitioner is not aware of the rule position/policy on the subject and as such, the present OA seems to have been filed by her to malign the image of the organisation. The contention expressed in the para is totally denied.

2. That with regard to paras 2 & 3 of OA, the respondents beg to state that it is stated the matter relating to the provisions of the Administrative Act-1985 and rules made there under, accordingly save (except) what appears therefrom, the respondents beg to offer no comments.

Contd....P/4

- 3. That with regard to para - 4.1 to 4.6 of the OA, the respondents beg to offer no comments.
- 4. That with regard to para - 4.7 of OA the respondents beg to state that it is requested the Hon'ble Tribunal to refer to the preceding para- 3 & 4. It is reiterated that due to the non fulfilment of required criteria by the applicant, her case for appointment on compassionate ground was not considered.
- 5. That with regard to para - 4.8 of OA, the respondents beg to state that the letter was written by the Depot authorities asking to furnish the undertaking as the same is required for processing the case.
- 6. That with regard to para - 4.9 of OA, the respondents beg to state that mere submission of affidavit guarantees no employment under relaxation to normal rules.
- 7. That with regard to para - 4.10 of OA, the respondents beg to state that it is requested the Hon'ble Tribunal to refer to the preceding para 3 & 4.
- 8. That with regard to para - 4.11 of OA, the respondents beg to state that it is requested the Hon'ble Tribunal to refer to the preceding para 3 & 4.
- 9. That with regard to para 4.12 of OA, the

respondents beg to state that as per existing orders, only 5% appointment can be given to the nominee/dependants of the deceased and there is no provision of 100% recruitment in relaxation cases. In this connection please refer Army HQ letter No-93569/policy/CS-80 (1) dtd.24/9/98 and even dated 30/7/99.

10. That with regard to para - 4.13, of OA, the respondents beg to state that the criteria for making appointment under relaxation to normal rules are contained in Army HQ letter dtd 24/9/98 and 30/7/99. Since the applicant could not secure qualifying marks and fulfil the required criteria, her case for employment under relaxation to normal rules was rejected as per latest policy.

11. That with regard to para - 4.14 of OA, the respondents beg to state that due to the non fulfilment of required criteria by the applicant, her case for employment under relaxation was not considered inspite of her approaching the depot authorities in several occasions.

12. That with regard to para-4.15 of OA, the respondents beg to state that it is requested the Hon'ble Tribunal to ^{refer} the preceding paras, more particularly para - 3 & 4 wherein the position has clarified.

Contd...P/6

13. That with regard to para - 5(i) of OA, the respondents beg to state that it is requested the Hon'ble Tribunal to refer to the preceding paras.

14. That with regard to para - 5 (ii) of OA, the respondents beg to state that the submissions of death certificate of the deceased is no guarantee for employment. Due to non fulfilment of required criteria by the nominee of the deceased, the applicant's prayer for compassionate appointment was not considered.

15. That with regard to para - 5(iii) of OA, the respondents beg to state that the same are matters of fact. Nothing beyond record is admitted. In connection with the latter part of the paras, it is requested the Hon'ble Tribunal to refer to our preceding paras.

16. That with regard to para -5(v) of OA, the respondents beg to state that there is no provision of extending special treatment in connection with the appointment under relaxation to normal rules in respect of the persons belonging to scheduled caste community. However, persons belong to SC/ST categories get age relaxation for appointment. Since the applicant could not fulfil the required criteria for compassionate appointment, her case was not considered.

contd....P/7

- 7 -

17. That with regard to para - 5(vi) of OA, the respondents beg to state that it is requested to the Hon'ble Tribunal to decide the matter based on the statement enumerated in the preceding paras.

With regard to the allegations made by the applicant through paras - 5(vii) &(viii), the respondents totally denies the same.

That with regard to first part of para - 6 no comments are offered please. Regarding the statement made by the applicant in the remaining part of ibid para, it is requested the Hon'ble Tribunal to refer to its own preceding paras.

18. That with regard to para - 7 of OA, the respondents beg to state that the same are matters of record. Nothing beyond record is admitted.

19. That with regard to para - 8(I) to(IV) of OA, the respondents beg to state that it is requested the Hon'ble Tribunal to refer to the preceding paras. It is however, reiterated that due to the non fulfilment of required criteria by the applicant, her candidature for compassionate employment was not considered.

Contd....P/3.

From

20. That with regard to para - 9 of the CA, the respondents beg to state that due to non fulfilment of prescribed eligibility criteria by the individual. The applicant's prayer made by the applicant is unjust, improper, unfounded, mala fide and devoid of any merit. ~~The contention expressed in the para~~ is totally denied. The CA is liable to be set aside and quashed with cost.

states

VERIFICATION.....

VERIFICATION.

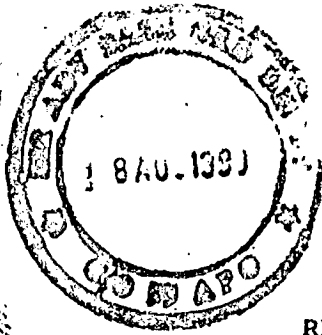
I, Shri Col M Rajgopal, Comdt, 222 A60D
4099A being authorised do hereby verify and
declare that the statement made in the written
statement are true to best of my knowledge,
information & believe, and I have not suppressed
any material facts.

I sign this verification of this 8th
day of [illegible] 2002

Declarant.

Col
Commandant

Rajgopal
Colonel



(15)
3

Tele : 222-2288

REGISTERED/SDS
Headquarters
Eastern Command (Ord)
Fort William
Calcutta - 21

19 Aug 99

321914/1/30/OS-8C

DDs OS

HQ 3 Corps (Ord)
HQ 4 Corps (Ord)
HQ 33 Corps (Ord)

Comdts

222 ABOD
5 FOD
OD Cal
VD Pan
AD Pan

OCs

EC Sty Depot
1 Adv Base Sty Depot

COs

41 Veh Coy

EMPLOYMENT IN RELAXATION TO NORMAL RULES

AMR
Letter

1. A copy of Army HQ letter No 93669/Policy/OS-8C(1) dated 30 Jul 99 together with its enclosures is forwarded herewith for information and strict compliance.

2. Please ack.

3. DDs OS HQ Corps ONLY - You are requested to disseminate the contents of the ibid letter together with its enclosures to all units under your jurisdiction for compliance.

Encls : As above

(S V Sharma)
Lt Col
DA DOS (Adm)
for MG AOC

FR / BR
03 /

EMPLOYMENT IN RELAXATION TO NORMAL RULES

1. Refer to :-

- (a) DOP&T OM No 14014/6/86-Estt(D) dated 30 Jun 87.
- (b) This HQ letter No 93669/Policy/OS-8C(i) dated 08 Jun 89.
- (c) This HQ letter No 93669/Policy/OS-8C(i) dated 24 Sep 98.
- (d) This HQ Signal No 93669/Policy/OS-8C(i) dated 17-Nov-98.
- (e) DOP&T OM No 14014/6/94-Estt(D) dated 09 Oct 98 (copy enclosed) received on 02 Jul 99 vide AG's Br Note No 15301/Policy/Org 4(Civ) (a) dated 16 Jun 99 regarding Scheme for compassionate appointment under the Central Govt - Revised consolidated instructions.

2. Instructions have been issued by this HQs from time to time, laying down the procedure to be followed in making compassionate appointment of sons/daughters/near relative of Govt servants who die in harness or retired on medical grounds. For ease of reference, the orders issued on the subject have been simplified and consolidated in DOP&T OM No 14014/6/94-Estt(D) dated 09 Oct 98. These revised instructions will be implemented with immediate effect. The procedure to be followed in AOC for granting compassionate appointments will be as laid down in succeeding Paras.

3. DETERMINATION OF VACANCIES

(a) All Command HQs/CODs will submit a report to this HQ by 31 Jan every year, indicating the total wastage of GP 'C' and 'D' employees separately from 01 Jan to 31 Dec of the previous year as follows :-

(i) Deaths,

(ii) Invalided out on medical grounds upto the age of 55 years for GP 'C' and 57 years for GP 'D' employees,

(iii) Normal Retirement/Voluntary Retirement/Termination from service/invalid out on medical grounds other than Sub Para (ii) above.

(b) Total vacancies for compassionate appointment will be worked out at 5% of the total wastage in the Corps in the preceding year and vacancies to Commands/CODs will be allotted on pro-rata basis on the number of Deaths/Invalidment cases as per Sub-Para (a) (i) & (ii) by Army HQ.

(c) Vacancies will be allotted to AOC (Records) for employment in respect of dependents of combatant personnel of AOC, who die in harness or invalided out on medical grounds.

(d) AOC Records will submit the details of combatant personnel X, Y & Z categories separately, of death cases in harness and invalided out on medical grounds by 31 Jan of each year to Army HQ.

12

(13)

4/19/50

4. APPLICATION

(a) Applications will be called for from the applicant as per proforma Part-'A' and 'B' as per Appendix 'A' attached to this letter.

(b) Applicants will submit fresh applications each time and their cases will be considered afresh, along with all other applicants. This is to ensure that any changes in financial/dependency status occurring during the year are incorporated in the fresh application.

5. NO OF CHANCES, CANDIDATE TO BE CONSIDERED

(a) Case of each individual for compassionate appointment will be considered three times by the Board of Officers. Units/Depots will open a separate file for each candidate when he applies first time. The applicant whose case has been finally rejected will be informed accordingly and advised to seek employment else where. A separate record of all such candidates who have been considered three times and finally rejected will be kept by Units/Depots concerned for answering any queries at later stage.

(b) As compassionate appointment is to be provided as a one time measure, in case of the death of that dependent whose appointment was on compassionate scheme, the claim for compassionate appointment by other family members of the first deceased Govt servant is not allowable. However, the dependents of the compassionately appointed deceased Govt servant can have claim for further compassionate appointment.

(c) If any dependent of deceased Combatant personnel is enrolled in the Army against the HQ quota then other member of the family will not be considered for compassionate appointment against Group 'C' and 'D' Civ post.

6. BELATED REQUEST

Requests for compassionate appointment will generally be considered upto 5 years from the date of death/retirement on medical grounds of the Govt employee. Requests for employment assistance after a lapse of 5 years may be considered only in exceptional cases and after obtaining approval of Min of Def. A statement of case along with proforma Part 'A' and 'B' and connected documents in r/o such cases duly recommended by the Commandant will be submitted to this HQ through respective Command HQs for obtaining necessary approval of Min of Def.

7. ANOTHER MEMBER EARNING/EMPLOYED BUT NOT SUPPORTING

Where any member of the family of Govt employees is earning/employed, the case for compassionate appointment of other member of the family will not be entertained. In case, where any other member of the family is earning/employed and he is not supporting the family of Govt servant and is living separately, such cases

Contd....P/3

12
45

will also require sanction from Min of Def. Such cases will be submitted to this HQ alongwith a certificate from the 1st class gazetted officer and Part 'A' and 'B' proforma and connected documents for obtaining necessary approval of Min of Def.

8. PROCEDURE- PREPARATION OF BOARD PROCEEDINGS

(a) Board of Officers will be held at HQ Commands/CODs to consider the cases upto the period for which the vacancies have been allotted by this HQ.

(b) Board of Officers for granting compassionate appointment to dependent of Combatant will be held at AOC Records, under the chairmanship of OIC Records. Dependents of JCOs/ORs who die during service or killed in action or medically boarded out can apply for compassionate appointment under 5% quota of wastage vacancies of GP 'C' and 'D' Civ posts.

(c) Applications complete in all respects as per proforma (Part A and B) will be thoroughly scrutinized to ensure that all columns are completed and signed by concerned persons and Marks Sheet as per Appx 'B' will be prepared, strictly in order of merits

(d) ^{Application} Application of Marks *granted vide G.O. letter No 321914/1/382/CSEC*

After processing the application and verification of the particulars furnished by the applicant with reference to the service documents of the deceased/retired on medical grounds Govt servant the Board of Officers will award marks in the manner given below to assess the comparative merit of each case :-

- (i) Minor Children and unmarried daughters. - Maximum 30(Thirty) marks at the rate of 10(Ten) marks per minor child/un-married daughter.
- (ii) Family Members - Maximum 10(Ten) marks at the rate of 2(Two) marks per dependent member i.e. Father/Mother/Widow/Minor brothers/Un-married or widowed sisters.
- (iii) ^{Number} Member of year of service that the deceased/retired on invalid pension Govt servant could have served more. - Maximum 40(Forty) marks on the rate of 2(Two) marks for each year of service left out.

Contd... 9/4

14

(11)

(iv) Assessment of monthly Income

Maximum 20(Twenty) marks as under based on monthly family pension, approximate monthly interest @ 11% on lumpsum payments like CGEIS/GPF/DCRG/Leave Encashment and estimated monthly rental value of Immovable property :-

<u>Total Monthly Family Income</u>	<u>Marks Allotted</u>
Rs. NIL to Rs.1275	20
Rs. 1276 to Rs.1325	19
Rs. 1326 to Rs.1375	18
Rs. 1376 to Rs.1425	17
Rs. 1426 to Rs.1475	16
Rs. 1476 to Rs.1525	15
Rs. 1526 to Rs.1575	14
Rs. 1576 to Rs.1625	13
Rs. 1626 to Rs.1675	12
Rs. 1676 to Rs.1725	11
Rs. 1726 to Rs.1775	10
Rs. 1776 to Rs.1825	09
Rs. 1826 to Rs.1875	08
Rs. 1876 to Rs.1925	07
Rs. 1926 to Rs.1975	06
Rs. 1976 to Rs.2025	05
Rs. 2026 to Rs.2075	04
Rs. 2076 to Rs.2125	03
Rs. 2126 to Rs.2175	02
Rs. 2176 to Rs.2225	01
Rs. 2226 and above	NIL

(v) DEATH ON DUTY-CIVILIAN

If the Govt servant dies due to an accident while performing duty.

10 (ten) marks extra will be allotted.

(vi) DEATH ON DUTY- COMBATANTS

(a) Person killed in action - P.O. WAR OF RAJSHAJI OP. VISHY, CI OP's and so on

10 (ten) marks extra will be allotted.

Contd....P/5

(bb) Pers whose death is attributable to or aggravated by Military service. - 05 (Five) marks extra will be allotted.

(e) The seniority in respect of the candidates who have secured the same marks in merit list will be decided based on the earlier date of death/retirement on medical grounds of the employee.

(f) Board Proceedings in duplicate, countersigned by the MGS AOC/Commandants alongwith the marks sheet and matching number of applications (Part A&B) with connected documents of selected applicants will forwarded to DG OS/Dir OS (Pers), Army HQ for approval. All other applications will be rejected by the Board.

(g) Un-utilised vacancies will be surrendered to this HQ for diversion to other Commands/CODs.

(h) Results of the Board Proceedings will be communicated to all the rejected applicants, in simple and clear terms. The intimation to unsuccessful candidates will be given after finalisation of Board Proceedings, as per formats given at Appendices 'C' & 'D' for cases considered, first/second time or third (final) time respectively.

9. Action for character verification and medical examination of the selected applicants will be initiated only after receipt of formal sanction for employments from this HQ.

10. PROVISIONAL APPOINTMENT WHEN POLICE VERIFICATION DELAYED

It has been observed that even after issue of sanction letter for compassionate appointment, actual appointment on compassionate grounds takes considerable time. One of the reasons for delay is that verification of character and antecedents by the Police authorities prior to appointment takes quite long time. As a result the family of deceased suffers a lot. Since the purpose of making compassionate appointment is to give immediate assistance to the family, all out efforts are, therefore, to be made to get the character and antecedents verified from the authorities concerned. Meanwhile, the candidate may be appointed provisionally by asking them to produce character certificates from two Gazetted Officers.

11. RELAXATION OF AGE

The persons below the age of 18 years will not be considered for compassionate appointment. Age eligibility shall be determined with reference to the date of initial application (Part 'A' of Appx 'A') and not the date of appointment. Prescribed age limit in respect of different categories are as under:-

- 9
- (i) 25 years for son/daughter of General category.
 - (ii) 30 years for son/daughter belonging to SC/ST category.
 - (iii) 28 years for son/daughter belonging to other Backward Classes(OBC).
 - (iv) 35 years for widow of General category.
 - (v) 38 years for widow belonging to OBC.
 - (vi) 40 years for widow belonging to SC/ST category.

The selected cases beyond the above prescribed age limit require sanction of DG OS for relaxation of upper age limit. In this connection, duly attested copy of SC/ST/OBC certificates issued by competent authority will be enclosed with Appx 'A'. A separate recommendation signed by MG AOC/Commandant (for Central Depot only) with the initial date of application (Part 'A' of Appx 'A') will be attached with the Board Proceedings while forwarding the same to Army HQ wherein age relaxation is required.

12. PROCEDURE FOR PLACEMENT IN POST BASED ROSTER

A person selected for appointment on compassionate grounds will be adjusted in the Post Based Roster against the appropriate category i.e. SC/ST/OBC/Gen depending upon the category which he belongs to. For example if he belongs to SC category, he will be adjusted against SC reservation point, if he is ST/OBC, he will be adjusted against ST/OBC point and if he belongs to General category he will be adjusted against General category point.

13. Utmost care and caution will be exercised by all concerned in completing the Board Proceedings/all the columns of Appx 'A' before forwarding the same to this HQ for according formal sanction for employment in relaxation to normal rules. It will also be ensured that applications alongwith connected documents in respect selected candidates are forwarded to this HQ in one lot.

14. All earlier instructions issued on the subject by this HQ will be considered as superseded.

Sd/-
(SK Bhatnagar)
Lt Gen
DG OS

**PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF GOVERNMENT
SERVANTS DYING WHILE IN SERVICE/RETIRED ON INVALID PENSION**

PART - A

- I.
 - (a) Name of the Govt servant (Deceased/retired on medical grounds). _____
 - (b) P/No/T/No, Designation and unit of the Govt servant _____
 - (c) Whether it is Group 'D', or not? _____
 - (d) Date of death/retirement on medical grounds. _____
 - (e) Total length of service rendered. _____
 - (f) Whether permanent or temporary. _____
 - (g) Date of birth of the Govt servant. _____
 - (h) Whether belonging to SC/ST/OBC (if yes, enclose attested copy of proof, in duplicate). _____
 - II.
 - (a) Name of the candidate for appointment. _____
 - (b) His/her relationship with the Govt servant. _____
 - (c) Date of Birth (enclose proof viz. Education certificate containing Date of Birth or Birth certificate from Municipal records or assessed age from Authorised Medical Authorities alongwith an Affidavit from the applicant through the Court that the Date of Birth will not be challenged at a later stage). _____
 - (d) Educational Qualifications (enclose attested copies of certificates, in duplicate). _____
 - (e) Whether any other dependent family member has been appointed on compassionate grounds (if so, give details). _____
- Unit and post for which employment is sought _____

Contd - P/2

VI.

DECLARATION/UNDERTAKING

1. I do hereby declare that the facts given by me above are to the best of my knowledge, correct. If any of the facts herein mentioned are found to be incorrect or false at a future date, my services may be terminated.

2. I hereby also declare that I shall maintain properly the other family members who were dependent on the Govt servant/member of the Armed Forces mentioned against I(a) of Part-A of this HQ form and in case it is proved at any time that the said family members are being neglected or not being properly maintained by me, my appointment may be terminated.

Date : _____

Signature of the candidate

Name _____

Address _____

VII. Shri/Smt/Kum _____ is known to me personally and the facts mentioned by him/her are correct.

Date : _____

Signature of the permanent
Government servant

Name _____

Address _____

VIII. I have verified that the facts mentioned above by the candidate are correct.

Date : _____

Signature of the Welfare
Officer

Name _____

Address _____

Office Seal _____

X

(TO BE FILLED IN BY OFFICE IN WHICH EMPLOYMENT IS PROPOSED)

- 1. (a) Name of the candidate for appointment. _____
- (b) His/her relationship with the Govt servant. _____
- (c) Age (Date of Birth), Educational Qualification and experience, if any. _____
- (d) Post for which employment is proposed and whether it is Group 'C' or 'D'. _____
- (e) Whether there is vacancy in that post within the ceiling of 5% prescribed under the scheme of compassionate appointment. _____
- (f) Whether the post to be filled is included in the Central Secretariat Clerical Service or in a non-participating Office. _____
- (g) Unit where employment is proposed. _____
- (h) How many times the candidate applied for compassionate appointment and considered by Bd of Officers-give Month and Year for consideration. _____
- (j) Whether the relevant Recruitment Rules provide for direct recruitment. _____
- (k) Whether the candidate fulfils the requirements of the Recruitment Rules for the post. _____
- (l) Apart from waiver of Employment Exchange/Staff Selection Commission procedure what other relaxation are to be given. _____

II. Whether the facts mentioned in Part-A have been verified by the office and if so, indicates the records. _____

III. If, the Govt servant died/retired on medical grounds more than 5 years back, why the case was not sponsored earlier. _____

IV. If any other family member earning/employed and if so mentioned an affidavit to this effect that such members not supporting the family. _____

Contd. - 0/2

V. In case applied, after 5 years of death/retirement of Govt employee or in case of another earning/employed member in the family, whether prior Govt sanction obtained. Indicate authority. _____

VI. Personal recommendation of the Head of the Department in the Ministry/Department/Office, (with his signature and office stamp/seal). _____

Date : _____

Signature of the Commandant/CO _____

Office Seal.

Rank & Name _____

3
54

Appendix 'B' to Army HQ letter No
93669/Policy/OS-8C(1) dated May 99
(Revised - 1999)

MARKSHEET

EMPLOYMENT IN RELAXATION TO NORMAL RULES

Serial order of merit	Number, design- ation, name of the employee	Dt. of death/ inva- lided out of employee	Name of applica- nt with relation- ship with employee	Post appli- ed for GP 'C' or GP 'D' Post	Number of minor children un-marr- ied dau- ghters	Mar- ks allo- tted	Num- ber of dep- end- ent fam- ily mem- ber	Mar- ks allo- tted	Bal- ance left	Mar- ks allo- tted	Mar- ks allo- tted	Ass- ess- ment of mon- thly in- come on duty	Remarks
1	2	3	4	5	6	6(a)	7	7(a)	8	8(a)	9	10	11

Presiding Officer
Member 1
Member 2

Date _____

COUNTERSIGNED

MG AOC/Commandant

Dated: _____

50

23-
58
Appendix

Tele :

No.....

Name of applicant
Address

Name of Depot/Unit

Dated.....

EMPLOYMENT IN RELAXATION TO NORMAL RULES

1. With reference to your application dated.....regarding employment in relaxation to normal rules.
2. It is to inform you that your case for employment in relaxation to normal rules on recruitment was considered by the Board of Officers held on.....at HQ....Command/COD 1st/2nd time but you could not be selected for employment on the basis of laid down criteria to determine relative hardship in the face of more deserving cases and limited number of vacancies at the juncture.
3. In case you are still in need of an employment, you may submit fresh application so that the same could be considered by the Board of Officers. Forms of application are sent herewith in duplicate for filling up and submission by.....positively.
4. It will be ensured that present age of the children should be indicated in the application and details should also be in conformity with the details submitted at the time of family pension. Any deviation in the details of children will liable the case to be rejected on the grounds of false submission of details. Also the present status of employment of dependents should be filled up correctly.
5. Please note that your application will not be considered for employment in case the same is not received within the stipulated period indicated in Para 3 above.
6. As the limited number of vacancies are allotted for compassionate appointment, you are also advised to get your name registered with Employment Exchange for a job suitable to you through them or seek employment elsewhere.

(s/d.....)
Commandant
Adm Officer/Pers
Officer

244

56

Appendix 'D'

Tele :
No.....

Name of Depot/Unit
Date

Name of applicant
Address

EMPLOYMENT IN RELAXATION TO NORMAL RULES

1. Please refer to our letter No.....dated.....and your application dated.....regarding employment in relaxation to normal rules.

2. It is to inform you that your case for employment in relaxation to normal rules was considered by the Board of Officer held on..... at H..... Command/COD.....third and the last time and you have not been selected for employment on the basis of laid down criteria to determine relative hardship in the face of more deserving cases and limited number of vacancies. Your case stands rejected finally.

3. In view of the above, you are advised to get your name registered with the Employment Exchange for a job suitable to you through them or seek employment else where.

(s/d...)
Commandant/
Adm Officer/
Pers Officer