

30/10/00
3
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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2
SECTION OFFICER (Judl.)

FORM No. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:GUWAHATI.

ORDERS SHEET

APPLICATION NO. 339 12001

Applicant (s) Shri L. B. Das

Respondant(s) lcor 2018

Advocate for the Applicant: Dr. M. Patilakar & D. Barua

Advocate for the Respondant: CySC

No. written statement

has been filed.

10.11.6
王

No. written statement
has been filed.

24.12.01 Written statement has been filed. The case may now be listed for hearing. The applicant may file rejoinder, if any, within 2 weeks from today.

List on 5.2.2002 for hearing.

ZB
21.12.01

ICL Shash
Member

Vice-Chairman

21.12.2001

mb

*WS submitted
by the Respondent.*

PS

5.2.02

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in the open court, kept in separate sheet. The application is allowed to the extent indicated in the order. No costs.

ICL Shash
Member

Vice-Chairman

ZB
4.2.02

trd

*Revd for
the Applicant
8.2.2002*

*20.2.2002
Copy of the Judg
handed over to the
L/A advocates for the
parties.*

PS

4

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. NO. 339/2001 . . . of

DATE OF DECISION 5.2.02

Smti Labanya Bora Das

APPLICANT(S)

Dr. Mrs. M. Pathak

ADVOCATE FOR THE APPLICANT(S)

-- VERSUS --

Union of India & Ors.

RESPONDENT(S)

Mr. 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, MEMBER (A).

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.

H.C

b

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 339 of 2001.

Date of decision : This the 5th day of February, 2002.

Smti Labanya Bora Das
W/o Late Khirod
Village Kochgaon (Hem Baruah Path)
P.O. Biswanath Chariali
District : Sonitpur (Assam).

...Applicant

By Advocate Dr. (Mrs.) M. Pathak.

-versus-

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Labour and Employment (Central Board of Workers Education), New Delhi.
2. The Director, Central Board for Workers Education Near V.R.C.E. Gate, North Ambazari Road, Nagpur-440010.
3. The Regional Director, Central Board for Workers Education, Regional Directorate, Sixmile, Guwahati-22.

..Respondents

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

O R D E R

CHOWDHURY J. (v.c.)

The issue raised in this application relates to compassionate appointment in the following circumstances :

The husband of the applicant was working under the respondents as Upper Division Clerk (for short U.D.C.). He entered into service on 1.1.1966 as Lower Division Clerk. He was promoted in the year 1986 to the post of U.D.C. While serving as such her husband passed away on 22.9.1999 leaving the applicant as sole survivor. The applicant submitted an

application for compassionate appointment immediately after the death of her husband on 26.10.1999 followed by number of other applications continuously till 17.7.2000. Failing to get appropriate remedy the applicant moved this application before the Tribunal praying for a direction for her appointment on compassionate ground.

2. The respondents submitted its written statement. In the written statement the respondents averred that compassionate appointment is permissible as per the scheme upto maximum 5% of vacancies falling under direct recruitment quota in any Group 'C' or 'D' post. In the written statement the respondents also averred that there were 40 and 31 vacant posts in Group 'C' and 'D' respectively. According to the respondents in their roster there were six applications pending for decisions. It was stated that as per the seniority her status was at serial no. 4 but so far merit position is concerned her position comes at last. The respondents also stated that the office of the Director, Central Board of Workers Education is vacant and her case would be considered in due course on appointment of regular Director. The respondents stated that there was no negligence on the part of the respondents in considering the case of the applicant.

3. We have heard Dr. (Mrs.) M. Pathak, learned counsel appearing on behalf of the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. Under the aegis of the Central Government a scheme for compassionate appointment was introduced for the dependent family members of a Government Servant dying in harness or who has retired on medical ground. The said scheme was introduced with a view to give succor to the family on the death of sole bread earner resulting financial destitution. The said scheme is a beneficial scheme to come into aid to those dependents on

Contd..

the death of the sole bread earner by arranging appointment against the vacancies earmarked for those persons. As per the said scheme all posts are not available for such appointment save and except Group C and Group D posts. The respondents in its written statement indicated that the applicant has received pensionary benefit of Rs. 5.24 lakhs. The receipt of pensionary benefits cannot stand in the way for getting compassionate appointment to a dependent of a deceased Government Servant. The scheme referred to by the respondents in its written statement also indicated that the application for compassionate appointment should however not be rejected on the ground that the family of the Government servant had received the benefits under various welfare schemes. A balanced and objective assessment of the financial status of the family is to be made taking into account the assets and liabilities and other relevant factors including the presence of an earning member, size of the family, ages of the children and the essential need of the dependent. Such appointment should brook any delay and it should be made available to the person concerned against the vacancies meant for compassionate appointment, if a person is found eligible and suitable under the scheme. Such compassionate appointment under the scheme will have precedence over absorption of surplus employees and regularisation of daily wage/casual workers with/without temporary status. The real object of the scheme is providing compassionate appointment to the family of a deceased Government Servant to tide over the crisis and to relieve the family of the deceased from financial destitution. A single person more particularly widow cannot be overlooked on the ground that she had no other dependent; providing a job itself is an empowerment to such class of person.

Contd.

4. Considering all the aspects of the matter we are of the opinion that the case of the applicant requires to be considered by the respondents in the light of the scheme. The respondents are accordingly directed to consider the case of the applicant along with other eligible persons for absorption against available vacancy or vacancies in terms of seniority. It appears that some of the applications are pending before the department since 1998/1999 including the case of the applicant. When vacancies are/were available there was no justification for making delay with regard to compassionate appointment.

5. In the facts and circumstances stated above, we direct the respondents to consider the case of the applicant for compassionate appointment alongwith others in terms of seniority as expeditiously as possible.

6. The application is allowed to the extent indicated above. There shall however be no order as to costs.

K.K.Sharma

(K.K.SHARMA)
MEMBER (A)

D.N.Chowdhury

(D.N.CHOWDHURY)
VICE-CHAIRMAN

trd

27/8/01
केन्द्रीय प्रशासनिक अधिकार अधिकार
Central Administrative Tribunal

27 AUG 2001 IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
गुवाहाटी न्यायालय
Guwahati Bench :::: GUWAHATI

(Application under Section 19 of the Central Administrative
Tribunal Act, 1985)

Title of the Case : O.A. 339 /2001

Smti Labanya Bora Das Applicant.

- Vs -

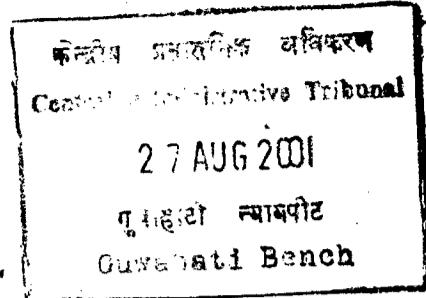
The Union of India & Ors. ... Respondents.

I N D E X

| <u>Sl. No.</u> | <u>Annexure</u> | <u>Particulars of the documents</u> | <u>Page No.</u> |
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| 3. | A | HSLC Certificate | 13 |
| 4. | B | H.S. Certificate | 14 |
| 5. | C | certificate of Type Writting | 15 |
| 6. | D | Copy of the appointment letter dated 14.1.66. | 16 |
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| 8. | F | Copy of the confirmation dated 24.4.76 | 18 - 20 |
| 9. | G | Copy of the promotion dt. 23.9.86 | 21 |
| 10. | H | Copy of the death certificate dated 20.12.99. | 22 |
| 11. | I | Copy of the Representation dated 26.10.99 | 23 |
| 12. | J | Copy of the letter issued by D.C. Sonitpur dated 10.3.2000. | 24 |
| 13. | K | Copy of the representation dt.8.12.99 | 25 |
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| 16. | N | -do- dt.29.3.2k | 28 |
| 17. | O | -do- dt.17.7.01 | 29 |
| 18. | | Vokalatnama. | |

Filed by

Dilip Baruah
27.8.2001
Advocate.



Filed by the applicant
Through
Dilip Baruah
Advocate
27-8-2001

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI.

(Application under Section 19 of the Central
Administrative Tribunals Act, 1985).

O.A. No. of 2001.

BETWEEN

Smti. Labanya Bora Das,
W/o Late Khirod Kr.Das,
Vill Kochgaon (Hem Baruah Path)
P.O. Biswanath Chariali
District : Sonitpur (Assam).

...Applicant.

- AND -

1. The Union of India , represented by
the Secretary to the Government
of India , Ministry of Labour and
Employment (Central Board for
workers Education),
New Delhi.

Labanya Bora Das

contd...

| | |
|----------------|------|
| Contd. | 1000 |
| AUG 31 | |
| Nagpur Office | |
| Guwanati Bench | |

2.

2. The Director,

Central Board for Workers Education
 Near V.R.C.E. Gate,
 North Ambazari Road,
 Nagpur- 440010.

3. The Regional Director,

Central Board for Workers Education
 Regional Directorate,
 Sixmile, Guwahati-22.

...Respondents.

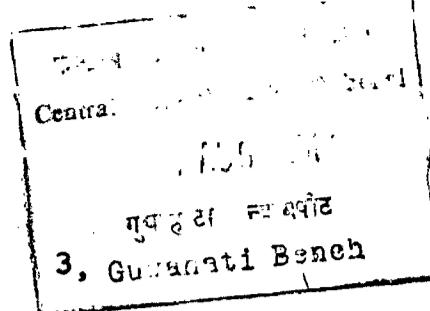
DETAILS OF APPLICATION :-

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application has not been made against any specific order. The applicant is entitled to compassionate appointment under the respondents after the death of her husband who died in harness , under the scheme of Govt. of India . The applicant made series of representations/ applications on 26.10.99, 8.12.99, 16.5.2000, 28.8.2000 , 29.3.2001 but the respondents have not

haban44 Bora Day

contd..



replied to any of them upto till now. Hence, this application has been filed for a declaration of applicant's right of appointment in compassionate ground and to direct the respondents to appointing the applicant on compassionate ground.

2: LIMITATION:

The applicant further declares that the instant application has been filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

3: JURISDICTION:

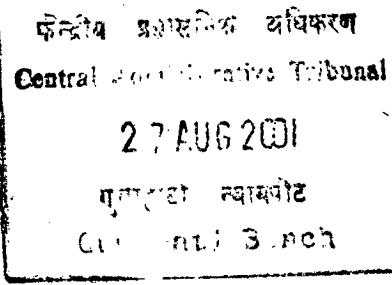
The applicant declares that the subject matter of the instant case is within the jurisdiction of the Hon'ble Tribunal.

4: FACTS OF THE CASE :

41. That the applicant is the citizen of India and a permanent resident of Assam and as such she is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

Labanya Boru Dass

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4.

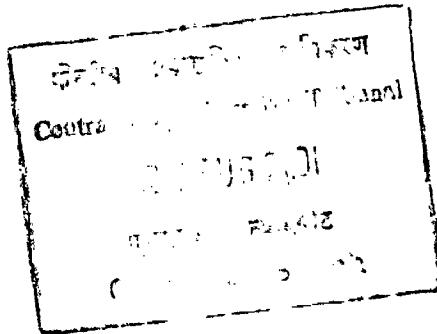
4.2. That the applicant passed Higher Secondary (Arts) Examination in the year 1994 . The applicant also got diploma in Type Writing (English) from a Government recognised Institute , Tezpur on 5.6.94 . The applicant belongs to Koach Rajbongshi community , which is recognised as other Backward Classes community in Assam . The Koach Rajbongshi community for a short span of one year was also classified as Scheduled Tribe community of Assa, by virtue of the ordinances passed by the Government of India .

Photo state copies of the pass certificate, HSLC, H.S. and Type Writing certificates are annexed hereto as Annexure -A, B and C respectively.

4.3. That the husband of the applicant late Kshirod Kumar Das entered in service as a Lower Division Clerk in the Office of the Workers' Education Centre, Tezpur w.e.f. 15.1.1966 . Late Kshirod Kumar Das appointed as L.D.C. in the office of the Workers' Education Centre, Tezpur vide memo No.WE/TEZ/3/65/91 dated 14.1.1966 and his services was governed by the Central Board for Workers' Education (Staff and Conditions of service) Regulations,, 1962 issued by the respondents vide memo. No.WE/TEZ-43/66/3783 dated 9.9.1966 . The

Labanya Bora Das

contd..



5.

services of the applicant husband was confirmed in the permanent post w.e.f. 5.1.1976 vide Memo No. Con 6(43)/1242 dates 24.4.1976 . The applicant husband was subsequently promoted to UDC in the scale of pay of Rs.330-560 vide memo No. WE.5(17) Vil,VIII/10285 dated 23.9.1986 . The applicant's husband died pre-maturely in harness on 22.9.1999 . On his death, necessary death certificate was obtained from the competent authority of Govt. of Assam on 20.12.99 .

Photostat copies of the appointment letter dated 14.1.66, memo dated 9.9.66, ^{Confirmation Letter dated 24.4.76,} promotion letter dated 23.9.86 and death certificate dated 20.12.99 are annexed hereto as Annexure- D, E, F, G and H. respectively.

4.4. That just after the death of the applicant's husband she faced a tremendous financial hardship. The applicant just after the death of her husband on 22.9.99, being the only surviving legal heir, applied for the post of L.D.C. to the authority concerned on 26.10.99 on compassionate ground . Supporting her claim as legal heir , a certificate was issued by the Deputy Commissioner, Sonitpur vide no.3 SVF.3/99/pt.2/436 dated

Labanya Bora Das

contd..

10.3.2000. It is worth mentioning here that late Khirod Kumar Das died as childless and there is no other member in his family to earn livelihood after his death.

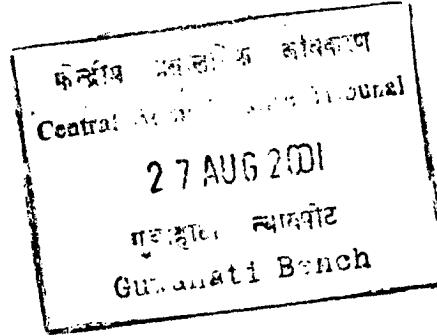
Copy of the application dated 26.10.99 and certificate dated 10.3.2000 are annexed hereto as Annexure- H and I and J, respectively.

45. That the applicant has also submitted several representations thereby praying to appoint her on compassionate grounds as she is the only surviving member of the family of her husband as her husband died leaving without any issues. But the respondents have not considered her case and are sitting upon her representations. The first application was submitted on 26.10.99 immediately and without any delay just after the death of her husband. Then again she wrote on 8.12.99, 16.5.2000, 28.8.2000, 29.3.2001 and lastly on 17.7.2001.

Copies of representation dated 8.12.99, 16.5.2000, 28.8.2000, 29.3.2001 and 17.7.2001 are annexed hereto as Annexure- K, L, M, and N respectively.

Labanya Bora Das

contd..



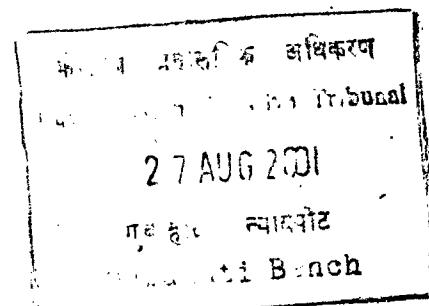
4.6. That after receipt of the several representations, the respondents verbally informed her that only after the posting of the respondent no.2, i.e Director, her case may be considered. But the case of her appointment being on compassionate ground, it is in no way related with the appointment of the Director in the Head Office at Nagpur. Therefore, it is clear that the respondents have shown total negligence towards her genuine need of appointment and survived.

4.7. That on verbal assurance given by the respondents till the death of her husband, the applicant was under a bonafide impression that she will be appointed under the respondents on compassionate ground as she fulfills all the eligibility criteria laid down for compassionate appointment. It is pertinent to mention here that presently she is the sole member in the family and it is very difficult in her part to run the family with the meagre amount of pension received by her. Moreover, she is in extreme need of her personnel and economic security after the death of her husband as she is childless, more particularly in future.

4.8. That the applicant begs to state that the respondents have delaying the and neglecting the

Labanya Bora DAS

contd..



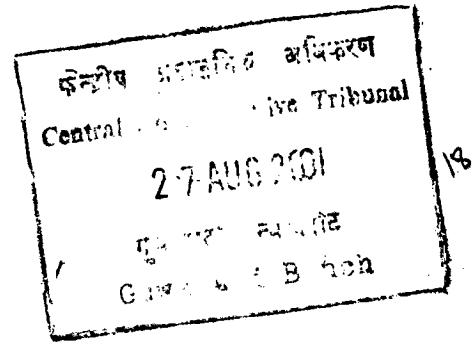
8.

process of her appointment by explaining this or that ground orally. The applicant every week uses to go to the office of the respondents at Tezpur and now at Guwahati with a hope that they will consider her case and will give her appointment immediately. But the respondents have deliberately and negligently avoided her case and pushed her to starvation day by day. It is further stated that the instant case is a fit case wherein the respondents may give appointments to the applicants on compassionate ground. If this application is not allowed and the respondents are allowed to set up the plea of delay at this own instance, the applicant would suffer irreparable loss and injury and her valuable rights to get appointment would be taken away.

4.9. That the applicant further begs to state that one post of L.D.C. is still lying vacant after the transfer of one Sri P.K. Deka on April, 2001. Besides that another grade- IV post is also not filled up after the voluntary retirement of Hari Dey. Hence, the applicant may be appointed immediately against any such posts lying vacant. The object and purpose of compassionate appointment is to give safe guard to the family immediately after

contd..

Labanya Borla Das



9.

the death of earning member and fill- up the void
economically . This has not been done by the respon-
dents.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action of the respondents in not appointing the applicant on compassionate ground is illegal, arbitrary and violative of principles of natural justice.

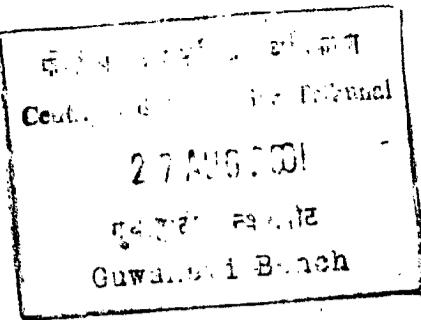
5.2. For that the respondents being a model employer should not sit upon the prayer of the applicant in regards to her compassionate appointment as per scheme of the Govt. of India.

5.3. For that malafide and complete non-application of mind to the request of a poor widow is a good ground to direct the respondents to issue appointment letter to the applicant on compassionate ground.

5.4. For that any view of the matter the action/ inaction of the respondents are not sustainable in the eye of law.

Labanya Boira Das

contd..



10.

6. DETAILS OF REMEDIES EXHAUSTED :

That the applicant declares that she has exhausted all the remedies available to her and there is no alternative and efficacious remedy available to her.

7 : MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COUR :

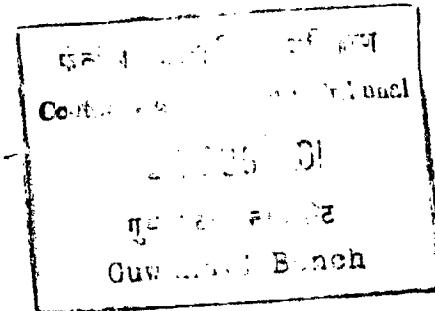
The applicant further declares that she has not previously filed any application, writ petition or suit regarding the grievances in respect of which this application is made before any court or any other Bench of the Tribunal or any other authority nor any such application or suit is pending before any of them.

8: RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above the applicant most respectfully prays that the instant application be admitted, records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of the records be pleased to grant the following reliefs to the applicant :-

Labanya Bora DAS

contd..



11.

1. To direct the respondents to issue appointment letter to the applicant on compassionate ground against the vacant post of Sri P.K. Deka, LDC, who was transferred on April, 2001 or Hori Dey, Grade-IV.
2. To direct the respondents to complete the process of appointment as early as possible.
3. Cost of the application.
4. Any other relief / reliefs for which applicant is entitled under the facts and circumstances of the case.

9: INTERIM ORDER PRAYED FOR :

Pending disposal of this application, the applicant prays for a interim order directing the respondents to consider her case of appointment against any vacant post on temporary basis till she is appointed regularly on compassionate ground and also to not to fill up the vacant post arose on transfer of P.K. Deka LDC and on voluntary retirement of Hori Dey, Grade-IV.

This application is filed through Advocate.

11. PARTICULARS OF THE I.P.O.

- i) I.P.O. No. 74.54861
- ii) Date :- 23.8.2001.
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

Labanya Bora Dey.

contd..

12.

VERIFICATION

I, Smti Labanya Bora (Das) aged about 37 years, w/o Late Khirod Kumar Das, resident of vill Kochgaon, Biswanath Chariali, Hem Baruah Path, P.O. Biswanath Chariali, Dist. Sonitpur, Assam do hereby solemnly affirm and state that the statements made in paragraphs 2, 3, 4.1, 4.6 to 4.9, 5.1 to 5.4, 6 and 7 — are true to my knowledge and those made in paragraphs 4, 4.2 to 4.5 being matter of records & are true to my legal advise and I have not suppressed any material facts.

And I sign this verification on this 27th day of August, 2001.

Labanya Bora Das
Signature.

5029



1979

(SUPPLEMENTARY)

I Certify that Labanya Barak

Roll No. No 687 aged 15 years 0 months 5 days

on the First of March, 1979 passed the High School Leaving
Certificate Examination, 1979 (new course) of this Board being successful

in the Supplementary Chance.

Attested
D. Bhattacharya
Advocate

GAUHATI, ASSAM

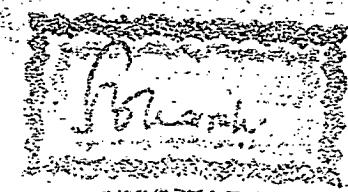
Attested

14/8/80

Assistant Executive Engineer,
Ghatali Sub-Divn. (Irrig.)

D. Bhattacharya

The 12th December, 1979



SECRETARY

ANNEXURE B

SECONDARY COURSE

1988-1994 (B)
Higher Secondary Examination
(TWO-YEAR COURSE)

I certify that I obtained a First Division in the Higher Secondary Examination

Roll No. 720 No. 101 in the Board of Examiners

H. S. School/College, during the Higher Secondary

1994 Stream of the Council and

Examination 1988 in the Third Division

was placed in the First Division.

Assam Higher Secondary Education Council

GUWAHATI, ASSAM

On the 17th May 2001

*Assam Higher Secondary Education Council
Charai Sub-Div. (Srig.)*

SECRETARY

- Sl. No. 30

No. ACA/T/

Art & Commercial Academy
TEZPUR, ASSAM.
GOVT. RECOGNISED

Final Diploma
Commercial & Vocational Training

Certified that Shri/Shrimati Kalpana Basu (Das)
son/daughter of Shri Khilad Kumar Das has attended in this
Institute during the session 93-94, ~~xxx~~ a full course of Training in
English Typewriting | ~~Short hand~~ and has appeared in the Institute FINAL
DIPLOMA Examination which he/she has successfully passed, having attained the speed
40 FPM words per minute and having been placed in ~~Excellence~~
Division.

He / She has thoroughly acquired the knowledge of using and taking care of all
Type-writers of different makes.

I consider him / her qualified to undertake the duties of a Eng. Typist

*Attested
D. Basu
Advocate*

Date of issued, 5/6/94

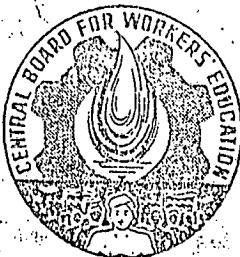
*Attested
D. Basu
Advocate*

Assistant Executive Engineer, ART & COMMERCIAL ACADEMY
Chariali Sub-Divn. (Irrig) Tezpur, Assam.

*Dr. Chariati.
Tata*

Principal

*16/6/94
16/6/94*



GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT
CENTRAL BOARD FOR WORKERS' EDUCATION.

Office of the REGIONAL DIRECTOR,
WORKERS' EDUCATION CENTRE, CALCUTTA TEZPUR.

Chairman, Shri R. L. Mehta, I. A. S.
Addl. Secretary to the Govt. of India,
Ministry of Labour & Employment.

43, SARAT BOSE ROAD,
CALCUTTA-20

Ref. WT/TEZ/3/65/MR 191

Date Tezpur, 14th Jan., 1966

From: S.K. Mukerjee,
Regional Director,

Subject: Appointment of L.D.C.-cum-Typist in this Centre.

To

Shri Khirrod Kr. Das,
Vill. Saikia Chuburi Berjhar Gaon,
P.O. Dekergaon.
Dist. Darrang.

Shri Khirrod Kr. Das is hereby instructed to report
for duty as L.D.C.-cum-Typist in the Office of the under-
signed 15th January, 1966 positively.

He is further advised to sent his consent accepting
of the post of L.D.C.-cum-Typist immediately.

S. K. Mukerjee
(S. K. MUKERJEE)
Regional Director,
Workers' Education Centre,
Tezpur.

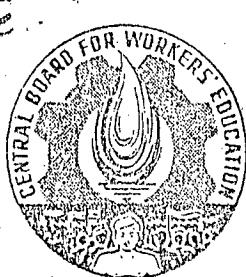
*Attested
D. Banerji
Addressee*

6. Shri P. S. Thakur
7. Shri B. Nayak
8. Shri V. Crasta
9. Shri G. G. Jawalkar

Kozhikode
Indore
Rourkela
Mangalore
Thana.

Contd...2.

47-

TELEPHONE 47-3500 49
RES. 24-2750-212

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT
CENTRAL BOARD FOR WORKERS' EDUCATION.

Office of the REGIONAL DIRECTOR,
WORKERS' EDUCATION CENTRE, CALCUTTA TEZPUR.

Chairman, Shri R. J. Deka, I.A.S.,
Addl. Secretary to the Govt. of India,
Ministry of Labour & Employment.

42, SARAT BOSE ROAD,
CALCUTTA-20

Ref. MEMO No. WE/TEZ/408 43/6/3783

Date 9th September 1966.

MEMORANDUM

Sri Kshirod Kumar Das is appointed as a Lower Division Clerk in the office of the Workers' Education Centre, Tezpur with effect from 15th January, 1966 on the pay of Rs.110/- P.M. In the scale of pay of - Rs. 110-3-131-4-155-EB-4-175-5-180/- plus usual allowances as admissible to Central Government employees of similar status having head quarters at Tezpur. Other Service conditions will be governed by the Central Board for Workers' Education (Staff and conditions of service) Regulations, 1962.

His appointment is further subjected to:-

- i). Production of certificate of fitness from the competent medical authority.
- ii). Submission of declaration regarding his marital status.
- iii). Taking of an oath of allegiance/faithfulness to the constitution of India (or making solemn affirmation to that effect) in the prescribed form.
- iv). Production of the following original certificates:-
 - (a) Degree/Diploma/Certificates of Educational and other qualifications.
 - (b) Certificate of age.
 - (c) Character certificates from two Gazetted Officers of Central/State Government or of a stipendiary Magistrate in the prescribed form.
 - (d) Discharge certificate of previous employment, if any ?

S. Acharya
(S. Acharya)
for Director.

Attested
D. Barman
Advocate

To

Sri Kshirod Kr. Das,
Care Sri Giridhar Das,
Vill. Saikia Chuburi Barjhar,
P.O. Dekaragaon,
Dist. Darrang (Assam)

Memo. No. WE/TEZ/408/3784 / Dated Tezpur, the 9th Sept. '66
Copy forwarded to the Director, Central Board for Workers' Education, Nagpur for favour of information.

Nazi

(S. Acharya)
Regional Director.

CENTRAL BOARD FOR WORKERS EDUCATION

1400, West High Court Road,
Gokulpeth, Nagpur - 440010.

No. Con. 6(43)/

Dated the

24 APR 1976

OFFICE-ORDER

In pursuance of Government of India, Ministry of Labour letter No.A-11012/1/74-WE dated the 5th January 1976 the following Class-III and Class-IV officials of the Central Board for Workers Education are declared confirmed in the permanent posts with effect from 5th January 1976 as indicated below :-

I. Confirmed as Upper Division Clerk :

| | |
|----------------------------|--------------|
| 1. Shri T.A.Khobragade | Nagpur |
| 2. Shri B.N.Sharma | Tinsukia |
| 3. Shri R.D.Pande | Allahabad |
| 4. Shri J.K.Dalvi | IIWE, Bombay |
| 5. Shri V.D.Nair | Coimbatore |
| 6. Shri C.Satyanarayanan | Head Office |
| 7. Shri S.Kailash Nath | Bangalore |
| 8. Shri K.C.Baruah | Tezpur |
| 9. Shri M.Shanumugam | Head Office |
| 10. Shri C.P.Radhakrishnan | Madurai. |

II. Confirmed as Junior Reader :

| | |
|--------------------|-------------|
| 1. Shri S.C.Shukla | Head Office |
|--------------------|-------------|

III. Confirmed as Junior Stenographer :

| | |
|--------------------------|--------------|
| 1. Shri N.Rehman | Tezpur |
| 2. Smt.P.M.Mariamma | Baroda |
| 3. Smt.V.G.Kulkarni | Hubli |
| 4. Shri A.N.Vittal | Poona |
| 5. Miss.T.V.Subbalakshmy | Alwaye |
| 6. Shri V.K.Hatagale | Head Office |
| 7. Shri George Samuel | Kanpur |
| 8. Smt. Lorna D'Souza | Mangalore |
| 9. Kum.C.Dasgupta | Barrackpore |
| 10. Shri P.R.Bende | Bhilai |
| 11. Shri Bhudee Rai | Muzaffarpur. |

IV. Confirmed as Lower Division Clerk :

| | |
|-------------------------------|--------|
| 1. Shri K.I.Babu | Alwaye |
| (confirmed w.e.f. 24-11-1973) | |

| | |
|-----------------------|-------------|
| 2. Shri K.Anjaneyulu | Head Office |
| 3. Shri S.E.Deshpande | Bombay |
| 4. Shri S.Y.H.Abidi | Hyderabad. |
| 5. Smt.C.Omana Amma | Kozhikode |
| 6. Shri P.S.Thakur | Indore |
| 7. Shri B.Nayak | Rourkela |
| 8. Shri V.Crusta | Mangalore |
| 9. Shri G.G.Jawalkar | Thana. |

Attested
D.B.Benwah
Advocate

| | | |
|-----|------------------------|-------------|
| 10. | Shri Rajkumar | Kanpur |
| 11. | Kum. M.D.Chavan | Poona |
| 12. | Kum. S.Lalitha | Bangalore |
| 13. | Shri V.A.Shirodkar | Thana |
| 14. | Shri K.K.Das | Tezpur |
| 15. | Shri P.K.Verma | Indore |
| 16. | Kum. L.Basu | Asansol |
| 17. | Kum. T.Narayananikutty | Kozhikode |
| 18. | Shri R.Vijondran | Coimbatore |
| 19. | Shri N.S.Peshne | Nagpur |
| 20. | Shri D.K.Baruá | Barrackpore |
| 21. | Shri H.R.Choudhary | Calcutta |
| 22. | Shri A.R.Moharil | Head Office |
| 23. | Shri S.Dey | Tinsukia |
| 24. | Smt.N.Shukla | Head Office |
| 25. | Shri M.D.Patre | Head Office |
| 26. | Shri D.N.Lokhande | Head Office |

V. Confirmed as Projectionist :

| | | |
|----|---------------------------|-------------|
| 1. | Shri V.R.Sreenivasan | Alwaye |
| 2. | Shri A.Janardhan | Kozhikode |
| 3. | Shri N.Kandaswamy | Coimbatore |
| 4. | Shri R.S.Shukla | Thana |
| 5. | Shri R.K.Sinha | Muzaffarpur |
| 6. | Shri Gouri Shankar Sharma | Dhanbad |
| 7. | Shri B.L.Barber | Jaipur |

VI. Confirmed as Van Driver :

| | | |
|----|--------------------|-----------|
| 1. | Shri T.Padmannabha | Mangalore |
|----|--------------------|-----------|

VII. Confirmed as Chowkidar :

| | | |
|----|------------------|------------|
| 1. | Shri V.Y.Naik | Hubli |
| 2. | Shri S.Subramani | Coimbatore |
| 3. | Shri Mohd.Asiff | Bangalore |
| 4. | Shri P.Kumaran | Mangalore |
| 5. | Shri Y.K.Kadam | Thana |

VIII. Confirmed as Peon :

| | | |
|-----|---------------------|---------------|
| 1. | Shri B.V.Ramana | Visakhapatnam |
| 2. | Shri N.Gunasekaran | Coimbatore |
| 3. | Shri D.R.Muru | Jamshedpur |
| 4. | Shri L.N.Lokhande | Head Office |
| 5. | Shri Salamat Ali | Hyderabad |
| 6. | Shri Y.R.More | Bombay |
| 7. | Shri B.Ramswamy | Hyderabad |
| 8. | Shri Manzoor Ali | Indore |
| 9. | Shri J.N.Pandey | Muzaffarpur |
| 10. | Shri M.K.Khandeswar | Head Office |
| 11. | Shri B.J.Moshram | Head Office |
| 12. | Shri M.Abdul Hafeez | Madras |

Attested
D.Banerji
Advocate

Contd..3.

IX.

Confirmed as Cook :

1. Shri J. Routh
2. Shri T. V. Gopalakrishnan
3. Shri Laxman

Dhanbad
Alwaye
Indore

X.

Confirmed as Attendant :

1. Shri Joshep Chacko
2. Shri Prabhu Lal

Alwaye
Indore.

H. C. Gupta
(H. C. Gupta)
Director

1.

Copy with _____ spare copies sent to the
Regional Director, Workers Education Centre,
_____. One copy of the order may be
kept in the personal file of official concerned.

✓ 2.

Copy to Shri/Kum./Smt. Ic. Ic. Das, L.P.C., WEC, Tatyana.

3.

Copy to Shri Hans Raj Chhabra, Deputy Secretary to the
Govt. of India, Ministry of Labour, New Delhi.

Shri N. N. Saksena
(S. N. L. Saksena)
for Director
(SN)

*Attested
B. B. B. B.
A. A. A.*

CENTRAL BOARD FOR WORKERS' EDUCATION.
NAGPUR.

No. WE.5(17)Vol.VIII/10285

Dated:-22.9.86

23 SEP 1986

The following Lower Dvn. Clerks under the Central Board for Workers Edn. are promoted to the post of UDC in the scale of pay of Rs.330-560 and posted at the regional centres mentioned against each of them with immediate effect:-

| Sr. No. | Name | Present place of posting | Transferred place. |
|---------|---------------|-----------------------------|--------------------|
| 1. " | Shri Rajkumar | WEC, Kanpur | Head Office Nagpur |
| 2. " | K.K.Das | Workers Edn. Centre Tezpur. | WEC-Tezpur. |
| 3. " | Arunodaya | WEC-Kanpur | WEC-Goa. |

(M. Sagir Khan.)
Director I/c.

- 1. Shri Rajkumar,
Lower Dvn.Clerk
WEC-Kanpur.
- ✓ 2. Shri K.K.Das,
Lower Dvn.Clerk
WEC-Tezpur.
- 3. Sri Arunodaya,
Lower Dvn.Clerk,
WEC-Kanpur.

Copy to:-

- 1. The Regional Director, Workers Edn.Centre, Kanpur. He is requested to relieve S/Shri Rajkumar & Arunodaya LDC immediately and intimate their date(s) of release to this office and to the Regional Director, WEC Goa respectively. The instructions for filling-up of the vacancies may please awaited separately.
- 2. The Regional Director, Workers Edn.Centre, Tezpur. He is requested to intimate the date of joining of Sri K.K. Das as UDC at the centre to this office.
- 3) The Regional Director, WEC-Goa with a request to intimate the date of joining of Shri Arunodaya, to this office in due course.
- 4) The Accounts Officer, CBWE, Nagpur.
- 5) Confidential Section.
- 6) Staff file of WEC-Kanpur Tezpur, Goa & HO
- 7. Seniority list file

(M. Sagir Khan.)
Director I/c.

AS/-

| | |
|---------------------------|---------|
| Workers' Education Centre | |
| Recd | 879 |
| Date | 29/9/86 |

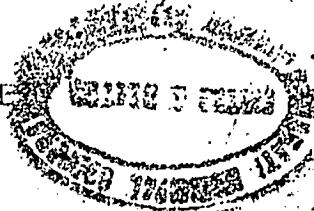
Attested
D. B. Banerji
Vadra centre

39255

2655

Form No. 10
ফর্ম নং - ১০

GOVERNMENT OF ASSAM
(অসম চৰকাৰ)
DIRECTORATE OF HEALTH SERVICE
(স্বাস্থ্য সেবা সঞ্চালকালয়)
CERTIFICATE OF DEATH
(মৃত্যুৰ প্রমাণ পত্র)



ISSUED UNDER SECTION 12 of the Registration of Births and Deaths Act, 1969.

ISSUED UNDER SECTION 17

(জন্ম আৰু মৃত্যুৰ পঞ্জীয়ন আইন ১৯৬৯-ৰ ১২/১৭ অংশত লিপিবদ্ধ)

This is to Certify that the following information has been taken from the
original record of Death which is in the register for
Registration unit of of District, Karimganj of the State of Assam.

জন্ম আৰু মৃত্যুৰ পঞ্জীয়ন গোটোৰ পঞ্জীয়ন মূল অভিলেখৰ পৰা
পৰিস্থিতি স্বাবৃত্তি কৰা হৈছে।

KHIRON KUMAR DAS INDIAN
Name/নাম : Male Nationality/জাতি : Bajgor geon Sonitpur
Sex/লিঙ্গ : Permanent Address/স্থায়ী ঠিকনা : Bajgor geon Sonitpur
Date of Birth/মৃত্যুৰ তাৰিখ : 22nd September 1999 (Nineteen Ninety Nine) Registration No./পঞ্জীয়ন নং : 1457
Date of Death/মৃত্যুৰ তাৰিখ : 20/12/1999
Place of Death/মৃত্যুৰ স্থান : Gachati Date of Registration/পঞ্জীয়নৰ তাৰিখ :
Name of Father/Mother/Husband/পিতৃ/মাতৃ/স্বামী : Late Giridhar Das Permanent Residential Address/পিতৃ/মাতৃ/স্বামী ঠিকনা : Bajgor geon Sonitpur Assam
Spouse's Name : Sonitpur
Signature of issuing authority/পঞ্জীয়নৰ কর্তৃপক্ষৰ স্বীকৃতি : Assistant Executive Engineer,
Designation/পদবী : Chief Registrar/মুখ্য পঞ্জীয়ন
Date/তাৰিখ : 14/10/2000
Signature : *Mr. P. C. Chowdhury* Assistant Executive Engineer,
Chariali Sub-Div. (Irrig)
Chariali

*Witnessed
D. Baruah
Advocate*

6/16/99-23
Financial Director
The Regional Directors
World Education Centre
Head Office: Nagpur, Maharashtra

ANNEXURE

Dated:-- Tezpur, 26.10.99

Sub: Appointment of compassionate ground wife of late Khirid Kumar Das

Sir.

I have the honour to lay the following few lines for favour of your kind consideration and favourable action.

That Sir, my husband Mr. Khirid Kr. Das was working as U.D.C. (Upper Division Clerk) under your office at Tezpur.

To my ill-luck, my husband Mr. Khirid Kumar Das expired on 22.9.99, suffering from Gastriculcer and diabetes.

That Sir, with regret, I state that I am the only surviving member of the family of my husband. I have none to look after my livelihood and shelter. Unless I get an appointment under your kind disposal my pains and miseries will known no bounds and I shall have to die under starvation. So, I solicit your kind favour to give me an appointment which will suit me under your kind disposal.

As regards my educational qualification I state that I have passed H.S.S.L.C. Examination and I am now 35 years old.

Secondly, I have become penniless due to heavy expenditure at my husband's treatment. So, necessary dues may kindly be paid to me as rules permit.

For the sanction of said two appeals I shall highly be grateful to you forever.

Yours faithfully,

Labanya Borah (Das)

(Labanya Borah (Das))

W/o. Lt. Khirid Kumar Das
Vill. Serjor goan, Salkia, Chuburi
P.O. Dekargaon, P.S. Tezpur

Certificate Enclosed
herewith.

1. H.S.L.C. Certificate
2. H.S.S.L.C. Certificate
3. English and Assamese Type writing pass Certificate

Attested
D. B. Borah
Advocate

GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER :: SONITPUR :: TEZPUR ::

Ref. No. SVF. 3/99/Pt.2/ 436 Dated :- 10/3/2000

63

C E R T I F I C A T E

This is to Certify that the following person is the legal heir of deceased Khirod Kr. Bas of village Saikia Chuburi Borjhar under Tezpur Police Station District Sonitpur, Assam. The deceased was serving as U.D.C. at Office of the Central Board for Worker's Education Centre, Tezpur.

| Sl. No. | Name | Relationship | Age |
|---------|-----------------------|--------------|----------|
| 1. | Smti Labanya Bora Bas | Wife | 35 Years |

This certificate is issued on the basis of the report received from the Circle Officer, Tezpur Revenue Circle vide No. TRC-2/95-2000/1207, dtd. 1/3/2000 and will valid in connection with Pension, Gratuity and GIS only.

For Deputy Commissioner,
Sonitpur, Tezpur.

Ref. No. SVF. 3/99/Pt.2/ 436 Dated :- 10/3/2000

Copy to :- Smti Labanya Bora Bas w/o Late Khirod Kr. Bas, vill.- Saikia Chuburi Borjhar with reference to her application, dtd. 2/2/2000.

for Deputy Commissioner
Sonitpur, Tezpur.

Assistant Executive Engineer,
Chariali Sub-Div. (Irrig)

Chariali
Trib.

22228

Attested
D. B. Boruah
Advocate

To
The Regional Director
Workers Education Centre
Tezpur: Assam.

Date the Tezpur 8th Dec'99

Sub: Appointment of Compassionate ground of wife of Late
Khirod Kumar Das.

Sir,

I have the honour to lay the following few lines for favour
of your kind consideration and favourable action.

That Sir, my husband Mr. Khirod Kumar Das was working as U.D.C.
(Upper Division Clerk) under your office at Tezpur.

To my ill-luck, my husband Mr. Khirod Kumar Das expired on
22.9.99.

That Sir, with regret, I state that I am the only surviving
member of the family of my husband. I have none to look after my
livelihood and shelter. Unless I get an appointment under your
kind disposal my pains and miseries will know no bounds and I shall
have to die under starvation. So, I solicit your kind favour to
give me an appointment as L.D.C. (Lower Division Clerk) which will
suit me under your kind disposal.

As regards my Educational Qualification I state that I have
passed H.S.S.L.C. examination and I am now 35 years old.

I shall highly be grateful to you for your favour and kind
consideration of favourable action as stated above.

Encl: Certificates.

1. H.S.L.C. certificate
2. H.S.S.L.C. "
3. English & Assamese
Typewriting certificate.

Yours faithfully,
Labanya Bora (Das)
C/O Lt. Khirod Kumar Das
Vill.-Barjhargaon, Saikia
Chubuti, P.O.-Dakargaon
Dist.-Sonitpur (Assam)

Received
P.D.S.P.C.
C/12/99
Central Register Workers Education
Regional Directorate
Assam Government
Dakargaon, Tezpur, Assam

Witnessed
Debbarma
Advocate

To
The Director
Central Board for Workers Education
Guwahati-10.

Dt. 16.5.2000

25

Through the Regional Director, Workers Education
Centre, Tezpur.

Subs : Appointment of Compassionate Ground Wife of
Late Khirod Kr. Das.
Reft : My application dated 7.12.99, 8.12.99 & 4.2.2000.

Sir,

In pursuance of my application No. Nil dated 7.12.99,
8.12.99 and 4.2.2000 I have the honour to lay before you the
following lines for favour of your kind and sympathetic
consideration.

That Sir, I am a helpless and none to look after
my livelihood and shelter so I would request you kindly to
appoint me within the State of Assam (Tezpur) instead of
out side Assam. For with act of your kindness I shall remain
grateful to you.

PS/AM
Dated 15/5/2000
Regional Director
Central Board for Workers Education
Regional Director
Chandmari, Tezpur-7819231

Yours faithfully,

Mrs. Labanya Borah Das,
(Labanya Borah Das)
W/O- Lt. Khirod Kumar Das,
Vill:- Daxjar Gaon, Saikia Chuburi,
P.O.- Dekargaon, P.S.-Tezpur,
Dist:- Sonitpur(Assam).

Attested
D. Sonika
Advocate

Biswanath Chariali

the 28.8.2000.

To,

The Director
Central Board for workers Education
Nagpur-10.

Through the Regional Director, Workers
Education Centre, Tezpur.

Sub: Request to consider appointment on
compassionate Ground.

Sir,

I would like to lay the following few lines for
favour of your information and sympathetic order.

That Sir, my husband Khirod Kr. Das who was working
as worker's Education Centre, Tezpur as U.D.C. suddenly
got an immature death on 22.9.99 and there was no issue left
after me.

That Sir, I applied for the post of L.D.C upon com-
passionate Ground on 8/12/99 with its reminder on 4/2/2000
and 10/4/2000. But to my utter surprise nothing has heard
from your end till date.

I therefore fervently request you once again kindly
to pay a little heed to my request and arrange consideration
of appointment in any post as you deem necessary for me.

It would be better if your goodself consider to
appoint me at Tezpur Centre which would enable myself to meet
both ends together.

Hope you would kindly do the needful and save myself
from misrise, distress and for this act of your kindness,
I shall remain ever pray.

Encls: Copy of U.S.L.C.Certificate.

xxxxxx

U.S.L.C.C

Yours faithfully,

Mrs. Labanya Bora Das

(Mrs. Labanya Bora Das.
W/O Late Khirod Kr. Das
Vill. Koch gaon (Hembarua path
P.O. Biswanath Chariali,
Pin- 784176.

Attested
Biswanath
Advocate

To
The Director
Central Board for Workers Education
Nagpur-10.

Dt. 29.3.2001

(Through the Regional Director
Workers Education Centre
Tezpur, Sonitpur, Assam)

Sub: Prayer for Employment on Compassionate Ground.

Re: My previous applications submitted on 28.8.2000 and 20.12.2000.

Sir,

I beg to state that on receipt of the application from your esteemed and the same have been submitted on 20.12.2000 for your kind and sympathetic consideration. But Sir, I have not received any satisfactory response so far appointment is concerned.

Sir, it is needless to say that I am the sole earning member of my family since the demise of my husband. Now I have no other means of income sources except meagre amount of family Pension which I am getting from your esteemed establishment.

Therefore, I would request you to consider my case on humanitarian ground to appoint me on compassionate ground. For this act of your kindness I shall ever remain grateful to you.
With regards.

Yours faithfully,

Mrs. Labanya Bora Das

(Mrs. Labanya Bora Das)

W/O Late Khirod Krd Das

C/O Rajen Bora

Vill. Kochgaon, B. Chariali

Hem Baruah Path

B. Chariali, Dist. Sonitpur

Assam, Pin- 784176.

Appended
D. B. Das
Advocate

Central Board for Workers Education
Regional Director
Extn. 93, Gopinath Das, 781022/01
Chandmari, Tezpur 784001

-29-

To
 The Director
 Central Board for Workers Education
 Nagpur-10.

17.7.2001

Through the Regional Director, Workers Education Centre, Khanapara,
 Six Mile, Guwahati.

Sub: Prayer for employment on Compassionate ground.

Ref: My application dated 26.10.99, 8.12.99, 26.5.2000, 28.8.2000, 20.12.2000,
 29.3.2001.

Sir,

With due respect, I beg to state that I submitted applications on the dates as referred to above for offering me employment on compassionate ground. Nearly two years have passed since the death of my husband, but I have not yet been favoured by offering employment nor received any reply from your end.

6/07/00
 01/7/2001
 Regional Director
 Central Board for Workers Education
 Regional Director
 Six Miles, Guwahati-781001
 Therefore, once again I request you kindly to consider my case sympathetically
 and appoint me at any post considered to be fit.

Yours faithfully,

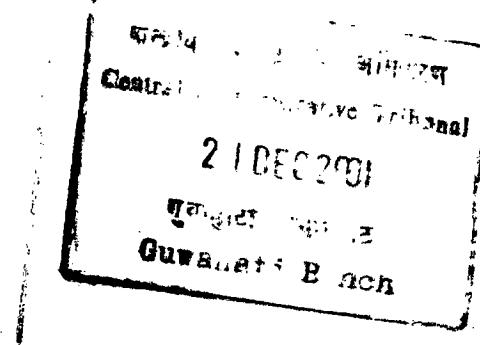
MRS. LABANYA BORA-DAS

(MRS. LABANYA BORA-DAS)

Address:

W/O- Late K.K.Das, Ex-UDC
 C/O- Kochgaon (Hem Barua Path)
 P.O.- Biswanath Chariali
 Dist.- Sonitpur, (Assam)
 Pin-784176.

Witnessed
D. Bhattacharya
Advocate



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

Filed by
C. A. T. Guwahati Bench

O.A. NO. 339 OF 2001

Smt. Labanya Bora Das.

- Vs -

Union of India & Ors.

- And -

In the matter of :

Written Statements submitted by
the Respondents .

The respondents beg to submit the background of
the case, which be treated as a part of the
Written Statement .

(BACK GROUND OF THE CASE)

The applicant applied for appointment on compassionate ground consequent upon the death of her husband in harness on 22.9.99. Consolidated instructions were issued by the Govt. of India vide G.I. of Personnel and Training OM No. 14014/6/94-Estt(D) dated 9.10.98 (Annexure -I) according to which compassionate appointment can be made to a maximum of 5% of vacancies falling under direct recruitment quota in any group 'C' or 'D' post. Thus it is absolutely clear that the question of compassionate appointment can be considered only when there is a vacancy .

There are 40 group C and 31 group D posts of direct recruitment vacant in the Board, out of which the applicant could be considered against only 20 posts in group C and 14 posts in group D lying vacant. Thus applying 5% of quota for compassionate appointment it can be said that only one post is vacant.

Incidentally it is pertinent to note that there are at present six cases/applications pending decision as per details given in the table as (Annexure R-II) though as per seniority the applicant's status is at Sr. No. 4 but from the merit point of view she stands last. (for underlined portion please refer to the Court's decision below).

Parawise Comments.

// 1. That with regard to the statements made in para 1, of the application, the respondents beg to state that from the perusal of the relevant circular on compassionate appointment it is clear that there is no right for appointment against compassionate posts.

A photo copy of the letter is annexed herewith and marked as Annexure - R/1.

The Hon'ble Supreme Court in Shri Umesh Kumar Nagpal - Versus - State of Haryana & Others has observed.

" Further the mere death of an employee in harness does not entitle his family to such source of livelihood. The financial condition of the family of the deceased employee should be examined and it is only if it is satisfied that but for the provision of employment, the family will not be able

to meet the crisis, that a job is to be offered to the eligible members of the family".

A copy of the letter is annexed herewith and marked as Annexure - R/III.

Secondly, the HO of the Board is in constant touch with the applicant and on the basis of its communication dated 13.12.2000, the applicant had furnished the required details in the prescribed proforma duly signed by her on 20.12.2000.

A copy of the letter is annexed herewith and marked as Annexure - R/IV.

2. That with regard to the statements made in para 2 to 4.3, of the application, the respondents beg to ~~six~~ offer no comments.

3. That with regard to the statements made in para 4.4, of the application, the respondents beg to state that it is denied that the applicant faced tremendous financial hardship on the death of her husband, as she is the only dependant member in the family and besides receiving pensionary benefit of Rs. 5.24 lakhs, she is also in receipt of family pension as per her own statement dated 20.12.2000. Rest of the contents of this para are not disputed.

4. That with regard to the statements made in para 4.5, of the application, the respondents beg to ~~six~~ offer no comments.

5. That with regard to the statements made in para 4.6, of the application, the respondents beg to state that it is admitted that the applicant was verbally informed that only after the posting of the Respondent No.2 i.e. the Director, her case may be considered. The factual position today is that the post of regular Director is yet to be filled and there are already six such applications pending as already stated in the head "back ground of the case" above. Thus, there is no negligence as contended by the applicant in this para. It is denied that there is genuine need of her appointment for survival.

6. That with regard to the statements made in para 4.7 onwards, of the application, the respondents beg to state offer no comments.

Verification.....

-5-

VERIFICATION

I, Shri Wangkhem Ibogains Singh B.O.

Regional Director I/C being authorised do hereby solemnly affirm and declare that the statements made in this written statement are true to my knowledge and information and I have not suppressed any material fact.

And I sign this verification on this 19th day of December, 2001.


19/12/01.
(W.K. SINGH),
Declarant.
Regional Director I/C
Central Board for Workers Education
Regional Directorate
Srimiles, Guwahati-781026

G.I., Dept. of Per. & Trg., O.M. No. 14014/6/94-Estt. (D),
dated 9-10-1998

Revised consolidated instructions on the scheme for compassionate appointment

The undersigned is directed to say that the existing instructions for making compassionate appointment under the Central Government have since been reviewed in the light of the various Court judgments, and other decisions including those taken on the various recommendations contained in the Fifth Central Pay Commission Report as well as the Study Reports of 1990 and 1994 prepared by the Department of Administrative Reforms and Public Grievances on the subject, and they have accordingly been revised/simplified and consolidated as in the enclosed scheme which will supersede all the existing instructions on the subject. This may be brought to the notice of all concerned for information, guidance and necessary action.

SCHEME FOR COMPASSIONATE APPOINTMENT

1. Object

The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency.

2. To whom Applicable

To a dependent family member—

(A) of a Government servant who—

- (a) dies while in service (including death by suicide); or
- (b) is retired on medical grounds under Rule 2 of the CCS (Medical Examination) Rules, 1957 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years (57 years for Group 'D' Government servants); or
- (c) is retired on medical grounds under Rule 38 of the CCS (Pension) Rules, 1972 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years (57 years for Group 'D' Government servants); or

(B) of a member of the Armed Forces who—

- (a) dies during service; or

- (b) is killed in action; or
- (c) is medically boarded out and is unfit for Civil employment.

NOTE I.—“Dependent Family Member” means:

- (a) spouse; or
- (b) son (including adopted son); or
- (c) daughter (including adopted daughter); or
- (d) brother or sister in the case of unmarried Government servant or member of the Armed Forces referred to in (A) or (B) of this para,

who was wholly dependent on the Government servant/member of the Armed Forces at the time of his death in harness or retirement on medical grounds, as the case may be.

NOTE II.—“Government servant” for the purpose of these instructions means a Government servant appointed on regular basis and not one working on daily wage or casual or apprentice or *ad hoc* or contract or re-employment basis.

NOTE III.—“Confirmed work-charged staff” will also be covered by the term ‘Government servant’ mentioned in Note III above.

NOTE IV.—“Service” includes extension in service (but not re-employment) after attaining the normal age of retirement in a Civil post.

NOTE V.—“Re-employment” does not include employment of Ex-servicemen before the normal age of retirement in a Civil post.

3. Authority Competent to make Compassionate Appointment

- (a) Joint Secretary in-charge of Administration in the Ministry/Department concerned.
- (b) Head of the Department under the Supplementary Rule 2 (10) in the case of Attached and Subordinate Offices.
- (b) Secretary in the Ministry/Department concerned in special types of cases.

4. Posts to which such appointments can be made

Group ‘C’ or Group ‘D’ posts against the direct recruitment quota.

5. Eligibility

- (a) The family is indigent and deserves immediate assistance for relief from financial destitution; and
- (b) Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.

6. (A) Exemptions

Compassionate appointments are exempted from observance of the following requirements:—

- (a) Recruitment procedure i.e., without the agency of the Staff Selection Commission or the Employment Exchange.
- (b) Clearance from the Surplus Cell of the Department of Personnel and Training/Directorate General of Employment and Training.
- (c) The ban orders on filling up of posts issued by the Ministry of Finance (Department of Expenditure).

(B) Relaxations

- (a) Upper age-limit could be relaxed wherever found to be necessary. The lower age-limits should, however, in no case be relaxed below 18 years of age.

NOTE I.— Age eligibility shall be determined with reference to the date of application and not the date of appointment;

NOTE II.— Authority competent to take a final decision for making compassionate appointment in a case shall be competent to grant relaxation of upper age-limit also for making such appointment.

- (b) Secretary in the Ministry/Department concerned is competent to relax temporarily educational qualifications as prescribed in the relevant Recruitment Rules in the case of appointment at the lowest level, e.g., Group 'D' or Lower Division Clerk post, in exceptional circumstances where the condition of the family is very hard provided there is no vacancy meant for compassionate appointment in a post for which the dependent family member in question is educationally qualified. Such relaxation will be permitted up to a period of two years beyond which no relaxation of educational qualifications will be admissible and the services of the person concerned, if still unqualified, are liable to be terminated.

NOTE.—In the case of an Attached/Subordinate Office, the Secretary in the concerned Administrative Ministry/Department shall be the competent authority for this purpose.

- (c) In the matter of exemption from the requirement of passing the Typing Test those appointed on compassionate grounds to the post of Lower Division Clerk will be governed by the general orders issued in this regard:—

- (i) by the CS Division of the Department of Personnel and Training, if the post is included in the Central Secretariat Clerical Service; or

(ii) by the Establishment Division of the Central Secretariat Personnel and Training, if the post is not included in the Central Secretariat Clerical Service.

- (d) Where a widow is appointed on compassionate ground to a Group 'D' post, she will be exempted from the requirement of possessing the educational qualifications prescribed in the relevant rules, provided the duties of the post can be satisfactorily performed by her without possessing such educational qualifications.

7. Determination/Availability of Vacancies

- (a) Appointment on compassionate grounds should be made only on regular basis and that too only, if regular vacancies meant for that purpose are available.

- (b) Compassionate appointments can be made up to a maximum of 5% of vacancies falling under direct recruitment quota in any Group 'C' or 'D' post. The Appointing Authority may hold back up to 5% of vacancies in the aforesaid categories to be filled by direct recruitment through Staff Selection Commission or otherwise, so as to fill such vacancies by appointment on compassionate grounds. A person selected for appointment on compassionate grounds should be adjusted in the recruitment roster against the appropriate category viz., SC/ST/OBC/General depending upon the category to which he belongs. For example, if he belongs to SC category he will be adjusted against the 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 the vacancy point meant for General category.

- (c) While the ceiling of 5% for making compassionate appointment against regular vacancies should not be circumvented by making appointment of dependent family member of Government servant on casual/daily wage/ *ad hoc*/contract basis against regular vacancies, there is no bar to considering him for such appointment, if he is eligible as per the normal rules/orders governing such appointments.

- (d) The ceiling of 5% of direct recruitment vacancies for making compassionate appointment should not be exceeded by utilizing any other vacancy e.g., sports quota vacancy.

- (e) Employment under the scheme is not confined to the Ministry/Department/Office in which deceased/medically retired Government servant had been working. Such an appointment can be given anywhere under the Government

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of India depending upon availability of a suitable vacancy meant for the purpose of compassionate appointment.

(f) If sufficient vacancies are not available in any particular office to accommodate the persons in the waiting list for compassionate appointment, it is open to the Administrative Ministry/Department/Office to take up the matter with other Ministries/Departments/Offices of the Government of India to provide at an early date appointment on compassionate grounds to those in the waiting list.

8. Belated requests for Compassionate Appointment

(a) Ministries/Departments can consider requests for compassionate appointment even where the death or retirement on medical grounds of a Government servant took place long back, say five years or so. While considering such belated requests it should, however, be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Government servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence. Therefore, examination of such cases would call for a great deal of circumspection. The decision to make appointment on compassionate grounds in such cases may, therefore, be taken only at the level of the Secretary of the Department/Ministry concerned.

(b) Whether a request for compassionate appointment is belated or not may be decided with reference to the date of death or retirement on medical ground of a Government servant and not the age of the applicant at the time of consideration.

9. Widow appointed on compassionate grounds getting remarried

A widow appointed on compassionate grounds will be allowed to continue in service even after re-marriage.

10. Where there is an earning member

(a) In deserving cases even where there is already an earning member in the family, a dependent family member may be considered for compassionate appointment with prior approval of the Secretary of the Department/Ministry concerned who, before approving such appointment, will satisfy himself that grant of compassionate appointment is justified having regard to number of dependents, assets and liabilities left by the Government servant, income of

the earning member as also his liabilities including the fact that the earning member is residing with the family of the Government servant and whether he should not be a source of support to other members of the family.

(b) In cases where any member of the family of the deceased or medically retired Government servant is already in employment and is not supporting the other members of the family of the Government servant, extreme caution has to be observed in ascertaining the economic distress of the members of the family of the Government servant, so that the facility of appointment on compassionate ground is not circumvented and misused by putting forward the ground that the member of the family already employed is not supporting the family.

11. Missing Government servant

Cases of missing Government servants are also covered under the scheme for compassionate appointment, subject to the following conditions:—

(a) A request to grant the benefit of compassionate appointment can be considered only after a lapse of at least 2 years from the date from which the Government servant has been missing, provided that:

- (i) an FIR to this effect has been lodged with the Police;
- (ii) the missing person is not traceable, and
- (iii) the competent authority feels that the case is genuine;

(b) This benefit will not be applicable to the case of a Government servant:—

- (i) who had less than two years to retire on the date from which he has been missing; or
- (ii) who is suspected to have committed fraud, or suspected to have joined any terrorist organization or suspected to have gone abroad.

(c) Compassionate appointment in the case of a missing Government servant also would not be a matter of right as in the case of others and it will be, subject to fulfillment of all the conditions, including the availability of vacancy, laid down for such appointment under the scheme;

(d) While considering such a request, the results of the Police investigation should also be taken into account; and

(e) A decision on any such request for compassionate appointment should be taken only at the level of the Secretary of the Ministry/Department concerned.

12. Procedure

- (a) The pro forma as in Annexure may be used by Ministries/ Departments/Offices for ascertaining necessary information and processing the cases of compassionate appointment.
- (b) The Welfare Officer in each Ministry/Department/Office should meet the members of the family of the Government servant in question immediately after his death to advise and assist them in getting appointment on compassionate grounds. The applicant should be called in person at the very first stage and advised in person about the requirement and formalities to be completed by him.
- (c) An application for appointment on compassionate grounds should be considered in the light of the instructions issued from time to time by the Department of Personnel and Training (Establishment Division) on the subject by a Committee of Officers consisting of three Officers — one Chairman and two Members — of the rank of Deputy Secretary/Director in the Ministry/Department and Officers of equivalent rank in the case of Attached and Subordinate Offices. The Welfare Officer may also be made one of the Members/Chairman of the Committee depending upon his rank. The Committee may meet during the second week of every month to consider cases received during the previous month. The applicant may also be granted personal hearing by the Committee, if necessary, for better appreciation of the facts of the case.
- (d) Recommendation of the Committee should be placed before the competent authority for a decision. If the competent authority disagrees with the Committee's recommendation, the case may be referred to the next higher authority for a decision.

13. Undertaking

A person appointed on compassionate grounds under the scheme should give an undertaking in writing (as in Annexure) that he/she will maintain properly the other family members who were dependent on the Government servant/member of the Armed Forces in question and in case it is proved subsequently (at any time) that the family members are being neglected or, are not being maintained properly by him/her, his/her appointment may be terminated forthwith.

14. Request for change in post/person

When a person has been appointed on compassionate grounds to a particular post, the set of circumstances, which led to such appointment, should be deemed to have ceased to exist. Therefore,—

- (a) he/she should strive in his/her career like his/her colleagues for future advancement and any request for appointment to any higher post on considerations of compassion should invariably be rejected.
- (b) an appointment made on compassionate grounds cannot be transferred to any other person and any request for the same on considerations of compassion should invariably be rejected.

15. Seniority

- (a) The *inter se* seniority of persons appointed on compassionate grounds may be fixed with reference to their date of appointment. Their interpolation with the direct recruits/promotees may also be made with reference to their dates of appointment without disturbing the *inter se* seniority of direct recruits/promotees.
- (b) Date of joining by a person appointed on compassionate grounds shall be treated as the date of his/ her regular appointment.

16. General

- (c) Appointments made on grounds of compassion should be done in such a way that persons appointed to the post do have the essential educational and technical qualifications and experience required for the post consistent with the requirement of maintenance of efficiency of administration.
- (b) It is not the intention to restrict employment of a family member of the deceased or medically retired Group 'D' Government servant to a Group 'D' post only. As such, a family member of such Group 'D' Government servant can be appointed to a Group 'C' post for which he/she is educationally qualified, provided a vacancy in Group 'C' post exists for this purpose.
- (c) The Scheme of compassionate appointments was conceived as far back as 1958. Since then a number of welfare measures have been introduced by the Government which have made a significant difference in the financial position of the families of the Government servants dying in harness/retired on medical grounds. An application for compassionate appointment should, however, not be rejected merely on the ground that the family of the Government servant has received the benefits under the various welfare schemes. While considering a request for appointment on compassionate ground a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities

(including the benefits received under the various welfare schemes mentioned above) and all other relevant factors, such as, the presence of an earning member, size of the family, ages of the children and the essential needs of the family, etc.

- (d) Compassionate appointment should not be denied or delayed merely on the ground that there is reorganization in the Ministry/Department/Office. It should be made available to the person concerned, if there is a vacancy meant for compassionate appointment and he or she is found eligible and suitable under the scheme.
- (e) Requests for compassionate appointment consequent on death or retirement on medical grounds of Group 'D' staff may be considered with greater sympathy by applying relaxed standards depending on the facts and circumstances of the case.
- (f) Compassionate appointment will have precedence over absorption of surplus employees and regularization of daily wage/casual workers with/without temporary status.
- (g) Any request to increase the upper age-limit of 55 years for retirement on medical grounds prescribed in Para. 2 (A) (b) and (c) above in respect of Group 'A'/'B'/'C' Government servants and to bring it at par with the age-limit of 57 years prescribed therein for Group 'D' Government servants on the ground that the age of retirement has recently (May, 1998) been raised from 58 years to 60 years for Group 'A'/'B'/'C' Government servants (which is at par with the age of retirement of 60 years applicable to Group 'D' Government servants) or on any other ground should invariably be rejected, so as to ensure that the benefit of compassionate appointment available under the scheme is not misused by seeking retirement on medical grounds at the fag end of one's career and also keeping in view the fact that the higher upper age-limit of 57 years has been prescribed therein for Group 'D' Government servants for the reason that they are low paid Government servants who get meagre invalid pension in comparison to others.

17. Important Court judgments

The ruling contained in the following judgments may also be kept in view while considering cases of compassionate appointment:—

- (a) The Supreme Court in its judgment, dated April 8, 1993 in the case of *Auditor-General of India and others v. G. Anantha Rajeswara Rao* [(1994) 1 SCC 192] has held that appointment on grounds of descent clearly violates Article 16 (2) of the Constitution; but if the appointment is

confined to the son or daughter or widow of the Government servant who died in harness and who needs immediate appointment on grounds of immediate need of assistance in the event of there being no other earning member in the family to supplement the loss of income from the bread winner to relieve the economic distress of the members of the family, it is unexceptionable.

- (b) The Supreme Court's judgment, dated May 4, 1994 in the case of *Umesh Kumar Nagpal v. State of Haryana and others* [JT 1994 (3) SC 525] has laid down the following important principles in this regard:

- (i) Only dependents of an employee dying in harness leaving his family in penury and without any means of livelihood can be appointed on compassionate ground.
- (ii) The posts in Group 'C' and 'D' (formerly Class III and IV) are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds and no other post i.e., in the Group 'II' or Group 'B' category is expected or required to be given for this purpose as it is legally impermissible.
- (iii) The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help it get over the emergency.
- (iv) Offering compassionate appointment as a matter of course irrespective of the financial condition of the family of the deceased or medically retired Government servant is legally impermissible.
- (v) Neither the qualifications of the applicant (dependent family member) nor the post held by the deceased or medically retired Government servant is relevant. If the applicant finds it below his dignity to accept the post offered, he is free not to do so. The post is not offered to cater to his status but to see the family through the economic calamity.
- (vi) Compassionate appointment cannot be granted after lapse of a reasonable period and it is not a vested right which can be exercised at any time in future.
- (vii) Compassionate appointment cannot be offered by an individual functionary on an *ad hoc* basis.
- (c) The Supreme Court has held in its judgment dated February 28, 1995 in the case of *Life Insurance*

Corporation of India v. Mrs. Asha Ramachandra Ambekar and others [JT 1994 (2) SC 183] that the High Courts and Administrative Tribunals can not give direction for appointment of a person on compassionate grounds but can merely direct consideration of the claim for such an appointment.

(d) The Supreme Court has ruled in the cases of *Himachal Road Transport Corporation v. Dinesh Kumar* [JT 1996 (5) SC 319] on May 7, 1996 and *Hindustan Aeronautics Limited v. Smt. A. Radhika Thirumalai* [JT 1996 (9) SC 197] on October 9, 1996 that appointment on compassionate grounds can be made only, if a vacancy is available for that purpose.

(e) The Supreme Court has held in its judgment in the case of *State of Karnataka and others v. Rani Devi and others* [JT 1996 (6) SC 548] on July 15, 1996 that if the scheme regarding appointment on compassionate ground is extended to all sorts of casual, *ad hoc* employees including those who are working as Apprentices, then such scheme cannot be justified on Constitutional grounds.

ANNEXURE

PRO FORMA REGARDING EMPLOYMENT OF DEPENDENTS OF GOVERNMENT SERVANTS DYING WHILE IN SERVICE/RETired ON INVALID PENSION

Part - A

I. (a) Name of the Government servant (Deceased/retired on medical grounds).
.....

(b) Designation of the Government servant.
.....

(c) Whether it is Group 'D' or not?
.....

(d) Date of birth of the Government servant.
.....

(e) Date of death/retirement on medical grounds.
.....

(f) Total length of service rendered.
.....

(g) Whether permanent or temporary?
.....

(h) Whether belonging to SC/ST/ OBC?
.....

II. (a) Name of the candidate for appointment.
.....

(b) His/Her relationship with the Government servant.
.....

(c) Date of birth.
.....

(d) Educational Qualifications.
.....

(e) Whether any other dependent family member has been appointed on compassionate grounds?
.....

III. Particulars of total assets left including amount of:—

(a) Family pension.
.....

(b) DCR Gratuity.
.....

(c) GPF Balance.
.....

(d) Life Insurance Policies (including Postal Life Insurance).
.....

(e) Moveable and immovable properties and annual income earned therefrom by the family.
.....

(f) CGE Insurance amount.
.....

(g) Encashment of leave.
.....

(h) Any other assets.
.....

Total
.....

IV. Brief particulars of liabilities, if any.

V. Particulars of all dependent family members of the Government servant (if some are employed, their income and whether they are living together or separately)

| S. No. | Name (s) | Relationship with the Government servant | Age | Address | Employed or not (if employed particulars of employment and emoluments) |
|--------|----------|--|-----|---------|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

DECLARATION/UNDERTAKING

1. I 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 Government servant/member of the Armed Forces mentioned against I (a) of Part-A of this 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: _____

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

Date:

Signature of permanent Government servant

Name: _____

Address: _____

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

Date:

Signature of the Welfare Officer

Name: _____

Address: _____

Part - B

(To be filled in by office in which employment is proposed)

- I. (a) Name of the candidate for appointment.
- (b) His/Her relationship with the Government servant.
- (c) Age (date of birth), educational qualifications 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 not?

(g) Whether the relevant Recruitment Rules provide for direct recruitment?

(h) Whether the candidate fulfils the requirements of the Recruitment Rules for the post?

(i) Apart from waiver of Employment Exchange/Staff Selection Commission procedure what other relaxations are to be given.

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

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

IV. Personal recommendation of the Head of the Department in the Ministry/Department/Office.

(With his signature and office stamp/seal).

G.I., Dept. of Per. & Trg., O.M. No. 22011/8/98-Estt. (D),
dated 6-11-1998

Procedure to be observed by the DPC when mode of promotion is Selection-cum-Seniority

The undersigned is directed to invite reference to Department of Personnel and Training O.M. No. 22011/5/91-Est. (D), dated 27-3-1997 (vide Sl. No. 25 of Swamy's Annual, 1997) on the subject cited above. These instructions *inter alia* provide that in cases where

(78)
118/21

| Name of deceased Official 2 | Date of birth 3 | Date of death 4 | For whom comp. apptt. is requested 5 | Relationship 6 | Date of Birth 7 | Edun. qual- ification 8 | No. of depend- ents 9 | Total assets 10 | Remarks 11 | |
|---|--------------------|--------------------|---|-------------------|--------------------|-------------------------------|-----------------------------|--------------------|---|------------|
| | | | | | | | | | GPF | Leave |
| 1. Late A.S.Chaterjee, Jr. Artist, H.O. | 16.6.46 | 6.4.98 | Smt. Kuntala A. Chaterjee. | Wife | 1.7.56 | B.Com | 3 | Rs.5,67,789/- | 26,492/- Leave 70,760/- Gra 2,19,356/- 21,422/- 2,29,759/- | 5,67,789/- |
| 2. Late Shri M.P. Sahu UDC, Ranchi | 1.7.54 | 2.12.98 | Smt U-Sharani Sahu | Wife | 5.2.61 | HSC | 3 | Rs.1,44,039/- | GPF 20,041/- Gra 1,08,100/- Insu, 15,898/- | 1,44,039 |
| 3. Late Shri A.C. Das, Peon, Asansol | 21.9.44 | 21.7.99 | Smt. Ranu Das | Wife | 15.3.56 | VIIIth passed | 3 | Rs. 97,122/- | GPF 10,777/- Leave 18,158/- Gra 46,692/- Insu. 4,559/- GSLI. 16,936/- | 97,122/- |
| 4. Late Shri K.K. Das, UDC, Tezpur | 5.4.47 | 22.9.99 | Mrs. Labonya B. Das | Wife | 26.2.64 | HSC | 1 | Rs.4,30,965/- | GPF 88,298/- Gra. 2,48,655/- Insu. 60,000/- GSLI. 34,002/- | 27,380/- |
| 5. Late Shri D.M. Edavi, Projectionist | 1.6.41 | 13.11.99 | Shri Prashant D. Edavi | Son | 7.10.74 | B.Com. | 3 | Rs.5,02,486/- | one son employed and married | 4,30,965/- |
| 6. Late Shri D.C.Shahi Chowkidar, Rajkot | 4.8.60 | 6.4.2000 | Smt Simadevi D. shahi | Wife | 12.12.70 | Illiterate | 4 | Rs.1,50,067/- | GPF 28,720/- Leave 32,298/- Gra 51,000/- Insu 20,881/- GSLI 17,168/- | 1,50,067/- |

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B. IV

R. II

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on
ESTABLISHMENT
AND
ADMINISTRATION

for

Central Government Offices

[Incorporating orders received up to November, 1998]



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Observations of the Supreme Court on compassionate appointments.—In the case of *Shri Umesh Kumar Nagpal v. State of Haryana and others*, the Supreme Court has observed as follows:—

The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis on the death of its sole bread- winner. It is not the intention that the member of the family should be given a post equal to the one held by the deceased. Further, the mere death of an employee in harness does not entitle his family to such source of livelihood. The financial condition of the family of the deceased employee should be examined and it is only if it is satisfied that but for the provision of employment, the family will not be able to meet the crisis, that a job is to be offered to the eligible member of the family. Only posts in Classes III and IV are to be provided and provision of appointments in posts above Classes III and IV is legally impermissible, even if the claimant is well qualified. Neither the qualifications of his dependant nor the post the deceased had held is relevant. If the dependant of the deceased employee finds it below his dignity to accept the post offered, he is free not to do so since the post is not offered to cater to his status but to see the family through the economic calamity.

(G.I., Dept. of Per. & Trg., O.M. No. 14014/22/94-Lsu. (D), dated the 28th November, 1994.)

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SPEED POST
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CENTRAL BOARD FOR WORKERS EDUCATION
REGIONAL DIRECTORATE
CHANDMARI: TEZPUR

CB 77/2000
810
Date 21/12/2000

No. WE-F-PE-KD 699 2000

Date: 20.12.2000

FAX: 0712-233313

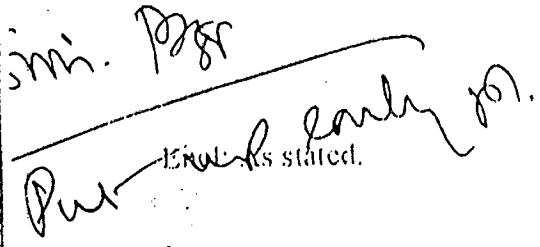
To
The Director
Central Board for workers Education
Nagpur.

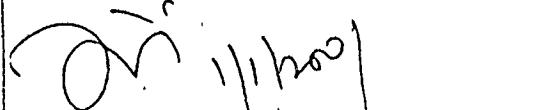
Sub: Appointment on Compassionate Ground.

Sir,

With reference to the Head Office Fax No. A-12012/PNI/95/Vol-III/13797 dated 13th December 2000 on the subject cited above I am forwarding herewith the required particulars in the prescribed proforma in respect of dependent of Shri K.K.Das. Ex-UDC expired on 22.9.1999 for doing the needful at your end.

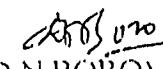
Yours faithfully,


(D.N.BORO)
REGIONAL DIRECTOR.

Put 
Date 21/12/2000
No. 1507

Date: 20.12.2000

Post copy in confirmation is forwarded to: The Director, Central Board for Workers Education, Nagpur for his kind information and necessary action.


(D.N.BORO)
REGIONAL DIRECTOR.

17

FORMA REGARDING EMPLOYMENT OF DEPENDENTS OF GOVERNMENT
SERVANTS DYING WHILE IN SERVICE/RETired ON INVALID PENSION

82

Part-A

(a) Name of the Government servant
(Deceased retired on medical grounds) late Kshirod Kr. Des

(b) Designation of the Government servant. L.D.C.

(c) Whether it is Group 'D' or not? Octcp 'C'

(d) Date of birth of the Government servant. 5-4-1947 ✓

(e) Date of death/retirement on medical grounds. 22-3-1999 (date of death)

(f) Total length of service rendered. 33 years 8 months 2 days

(g) Whether permanent or temporary? Confirmed as L.D.C. on 5-1-76

(h) Whether belonging to SC/ST/OBC? G.T.

II. (a) Name of the candidate for Mrs. Labanya Borka Des ✓

(b) His/her relationship with the Government servant. Wife

(c) Date of birth 26-2-1964 ✓

(d) Educational Qualifications H.S. passed ✓

(e) Whether any other dependent family member has been appointed on compassionate grounds? NO

III. Particulars of total assets left including amount of:- Rs. 27,50/- (23/09/1999 to 22/09/2006)

(a) Family pension

(b) DCR Gratuity Rs 2,47,655.00

(c) GPF Balance Rs 88,298.00

(d) Life Insurance Policies (including Postal Life Insurance). Rs 27,380.00 ✓

(e) Movable and immovable properties and annual income earned therefrom by the family. JVIL

(f) CGE Insurance amount Rs 34,002/- (ex S.L.i)
Rs 60,000/- Deposit linked Insurance

(g) Encashment of leave. Rs 64,048/-

(h) Any other assets. JVIL

Total: Rs 5,24,133/-

(2)

54
Nil

IV. Brief particulars of liabilities, if any.....

V. Particulars of all dependent family members of the Government servant (If some are employed, their income and whether they are living together or separately.

| Sl.No. | Name(s) | Relationship With the Govt. | Age | Address | Employed or not (if employed particulars of Employment & emoluments) |
|--------|----------------------|-----------------------------|----------|---------------------|--|
| 1 | 3 | 4 | 5 | 6 | 7 |
| 1. | Mrs Labanya Bora Das | Wife | 36 years | C/o Rajen Bora | not |
| 2. | | 2 men | 24 days | po. Bishnath Chauri | vill. Koch Gora (Hem Baruapara) |
| | | | | | Dist - Sonitpur (Assam) |
| | | | | | Pin - 784176 |

DECLARATION/UNDERTAKING

- I 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.
- I hereby also declare that I shall maintain properly the other family members who were dependent on the Government servant/member of the Armed Forces mentioned against I (A) of Part-A of this 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: 20-12-2000

Mrs Labanya Bora Das

Signature of the candidate

Name: Mrs Labanya Bora Das

Address: vill. Koch Gora (Hem Baruapara)
po. Bishnath Chauri
Dist - Sonitpur (Assam)
Pin - 784176

Shri/Smt. Kum. Labanya Bora Das, is known to me and the facts mentioned by him/her are correct.

Date: 20-12-2K

D. C. BORO

Signature of permanent

Government servant

Name: A. C. BORO U.D.C.

Address: 20, E.C. Tezpur

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

Date: 20-12-2K

D. C. BORO
Signature of the Welfare Officer
(Regional Director)

Name: D. C. BORO

Address: C.B.W.E. Tezpur

Regional Director

Central Board for Workers Education

Regional Directorate

Chandmari, Tezpur-784001