

5/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

INDEX

O.A/T.A No.....238/2003.....

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

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

1. Orders Sheet O.A.....238/2003..... Pg.....1.....to.....3.....
2. Judgment/Order dtd. 02/08/2003..... Pg.....1.....to.....2..... disposed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....238/03..... Pg.....1.....to.....3.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
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.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 238/03

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants: - Khokam Das

Respondents: - W.O. P. Town

Advocate for the Applicants: - M. Chanda, G.N. Chakraborty, S. Chaudhury

Advocate for the Respondents: - CADC

Notes of the Registry Date File Order of the Tribunal

This application is in
form but not in time.
Condonation Petition is
filed / and filed C.P.
for Rs. 50 deposited
vide 1/0/BD No. 206870
Dated 28.10.03.....

29.10.2003

Heard Mr. M. Chanda, learned counsel
for the applicant.

Issue notice on the respondents to
show cause as to why the application
shall not be admitted, ~~and~~ fax returnable
by four weeks.

List the case on 4.12.2003 for admi-
ssion.

K. Pathak
Member

Vice-Chairman

Steps taken alongwith
envelopes

bb

BD
26.12.03

It is submitted from Bar that Mr
B.C. Pathak, learned Addl.C.G.S.C has been
entrusted with the case and he has been
on accommodation. Therefore let the
matter appear before the next available
Bench.

K.C. Pathak

Member

Vice-Chairman

Defect

D) carbon copy with
original is enclosed.
(2) NO court fee stamp
in application.

24/10/03
furnished S.L. NO. 2 and pg

28/10/03

Pl. copy
and dated 29/10/03
29/10/03

Notice with order
dt. 29/10/03, Sent to
J1 Section for issuing
to respondent No - 1 to
3.

27.2.04 Learned counsel for the respondents seeks a 10 days time to file reply. 10 days time granted. However, we find that this O.A. is squarely covered by the O.M.5.5.03 issued by the DOPT.

List on 12.3.04 for order.

(Ans)
10/11/03. D/No. 2256 to 2258

Dated -

K. P. Pathak

Member (A)

h

Member (J)

pg

12.3.2004 Heard Mr. M. Chanda, learned counsel for the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. on behalf of Mr. B. C. Pathak, learned Addl. C.G.S.C. for the respondents.

Written statement
to be filed.

The application is admitted. Let the written statement be filed by the respondent.

List on 20.4.2004 for hearing.

K. P. Pathak
Member (A)

mb

16.6.2004 Present: The Hon'ble Smt. Bharati Roy
Member (J)

The Hon'ble Shri K.V. Prahladan
Member (A).

Mr. B.C. Pathak, learned Addl. C.G.S.C. seeks two weeks time to file counter reply. Prayer allowed.

Post the matter on 2.7.2004 before the Single Bench, since the case relates to Compassionate appointment. No further time shall be granted to the respondents to file counter reply.

K. P. Pathak
Member (A)

h
Member (J)

bb

26-7-04
No Counter reply.

BB

27.7.2004 On the prayer made by Mr.S.

Nath, learned counsel for the applicant, the case is adjourned and listed on 2.8.2004 for hearing.

30-7-04

MO-W/S has been filed

BB


Member (A)

bb

2.8.2004

Heard counsel for the parties.

Hearing concluded. Judgement delivered in open Court, kept in separate sheets.

The O.A. is disposed of in the terms of the order. No costs.

18.8.04

Copy of the
judgment has been
sent to the D/Sec.
for issuing the
same to the applicant
as well as to the
R.C.C.C.

BB


Member (A)

BB

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./XXX.No. 1111 238 of 2003.

DATE OF DECISION 2.8.2004.

.....Shri Khokan Das.....APPLICANT(S).

.....Mr. M. Chanda, G.N. Chakraborty & S. Choudhury.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

.....U.O.I. & Ors.....RESPONDENT(S)

.....Mr. A. De. Roy, Sr. C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

THE HON'BLE

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 ?

Judgment delivered by Hon'ble Member (A).

bd

6

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 238 of 2003.

Date of Order : This, the 2nd Day of August, 2004.

THE HON'BLE SHRI K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Shri Khokan Das
S/o Late Makhan Lal Das
at present residing at Vill: Usha Bazar
P.O: Agartala Airport, P.S: Narsinghgarh
District: West Tripura. Applicant.

By Advocates Mr.M.Chanda, G.N.Chakraborty & S.Choudhury.

- Versus -

1. The Union of India
Through the Director General
of India Meteorological Department
Mausam Bhavan, Lodi Road
New Delhi, PIN: 110 003.
2. The Director General
of India Meteorological Department
Mausam Bhavan, Lodi Road
New Delhi, PIN: 110 003.
3. The Deputy Director General of Meteorology
Regional Meteorological Centre
4, Dule Avenue, Alipore
Calcutta- 700 027. Respondents.

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

O R D E R (ORAL)

K.V.PRAHLADAN, MEMBER(A):

The father of the applicant Late Makhan Lal Das who was serving as Assistant Meteorologist, Grade-II, died on 15.6.2000 due to cancer. The applicant submitted an application for compassionate appointment on 20.11.2000. *DWS* Respondents vide letter dated 18.2.2003 informed the applicant that his case for appointment on compassionate

ground was considered and rejected as per Govt. of India instructions and rulings of the Apex Court.

2. Applicant stated that his case for compassionate appointment was rejected as because the application was not submitted within the time limit. The applicant also stated that his name was not even considered for compassionate appointment. Mr.A.Deb Roy, learned Sr.C.G.S.C., denying the aforesaid statement, stated that his case for compassionate appointment was considered as per the rules.

3. I have heard Mr.M.Chanda, learned counsel for the applicant at length as well as Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents.

4. From the materials on record it is not possible to come to a definite conclusion the case of the applicant for compassionate appointment was fairly considered or not. Respondents' letter dated 18.2.2003 also does not specify this. Therefore, in the interest of justice, I am of the opinion that applicant may file a representation, if he so desires, before the respondents. Accordingly, applicant shall file a representation, if he so desires, before the respondents ventilating all his grievances within 10 days time from the date of receipt of the order. If such representation is filed within the specified time, respondents will give a comprehensive and reasoned reply within a period of four months thereafter.

The O.A. is disposed of as above. No order as to costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER

General Court Building, Guwahati
26 OCT 2003
8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O. A. No. 238 / 2003

Sri Khokan Das

... Applicant

-Versus-

Union of India & Others

... Respondents

Dates and synopsis of particulars in this Application.

<u>Date</u>	<u>Synopsis of particulars</u>
15.06.2000	The father of the applicant Late Makhan Lal Das, Assistant Meterologist Grade II at Agartala Airport, died in harness.
09.11.2000	The Meterologist in-charge, Agartala Airport issued one letter asking the applicant to submit application in prescribed form for employment under Die-in-harness Scheme framed by the Govt. of India.
20.11.2000	The Applicant submitted application on 20.11.2000 praying for employment.
27.08.2002	The Regional Meteorological Centre, Alipore, Kolkata intimated the applicant that his case had been forwarded to the Director General of Meteorology, New Delhi.

18.02.2003

The applicant was informed by the Regional Meteorological Centre, Kolkata that the case of the applicant was considered sympathetically but could not be agreed in view of the instruction of the Central Government and the decision of the Supreme court on the matter.

02.03.2003

Mother of the applicant sent one representation to the Director General of Meteorology, New Delhi praying for consideration of the case of the applicant and further requesting to supply a copy of the Supreme Court's decision as referred to in the letter dated 18.2.03.

05.05.2003

A Copy of the Memorandum issued by the Government of India was sent to the applicant along with some other documents wherein it was laid down that employment under the Die-in-Harness Scheme shall not be made one year after the death of the Government Servant.

There was no latches on the part of the applicant who submitted application within five months of the death of his father.

P21
mp

Hence this application before the Hon'ble Tribunal.

10

P R A Y E R

- 8(a) Pass orders directing the Respondents to allow the applicant with a job under the Government of India in a post commensurating with his qualification with retrospective effect from September, 2000.
- (b) Pass orders directing the Respondents to grant all benefits of the service to the applicant with effect from September, 2000.
- (c) Pass interim orders in terms of prayer (a) and (b) above.
- (d) Grant costs of application.
- (e) Pass such other order or orders or direction as deemed fit and proper.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.
O.A.NO. 238 OF 2003.

Shri Khokan Das.....Petitioner.
-versus

The Union of India and others..... Respondents.

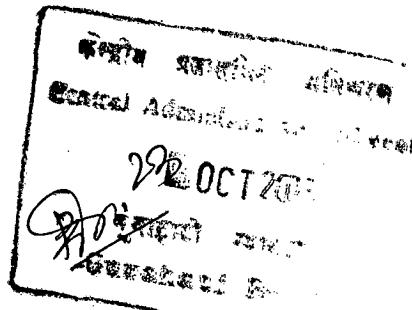
INDEX

ANNEXURE..	CONTENTS OF THE DOCUMENTS.	PAGE NOS
-----	Original application filed by the Applicant above named.	1 to 10
Annexure-A.	Copy of the Death Certificate of father of the Applicant.	11
Annexure-B.	Copy of letter of Meteorologist-in-charge, Meteorological Office, Agartala dated 9.11.2000 issued to the Applicant asking him to submit application in prescribed form for employment under Die-in-harness Scheme framed by the Government of India.	12
Annexure-C.	Copy of an application dated 20.11.2000 submitted by the Applicant in prescribed form for employment.	13 + 14
Annexure-D.	Copy of letter of the Regional Meteorological Centre, Kolkata dated 27.8.2002 regarding intimation to the Applicant that the case of the applicant for employment on compassionate ground had been forwarded to the Director General of Meteorology, New Delhi.	15
Annexure-E.	Copy of letter of Regional Meteorological Centre, Kolkata dated 18.2.03 regarding intimation of the Applicant that the authority could not be agreed to provide the Petitioner for compassionate employment in view of the instruction of the Central Govt' & decision of the Supreme Court's Ruling.	16
Annexure-F.	Copy of representation of mother of the Applicant addressed to the Director General of Meteorology, India Meteorological Centre, New Delhi dated 2.3.2003 requesting to consider the application of the applicant for employment and also to supply a copy of the decision of the Supreme Court as referred to in the letter dated 13.2.2003.	17 + 18
Annexure-G. And Annex-H.	Copies of two Memoranda dated 3.12.1999 and 5.5.2003 issued by the Ministry of Personnel, Public Grievances and Pensions, Deptt. of Personnel & Training regarding time limit for making compassionate appointment which were forwarded to the Applicant by the respondent no.2 & 3..	19 to 23

Date:-----

Place:.....

Region no. 11
 Filed by the applicant
 Through advocate
 Lm. G. M. Chakraborty
 on 22-10-2003.



12

Khokan Das

- : 2 :-

Date of filing
Or
Date of receipt by post
Registration No.

Signature
For Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

O.A.NO 238.....OF 2003.

Shri Khokan Das, S/O Late Makhan Lal Das, at present residing
At village - Usha Bazar, P.O. Agartala Airport.
P.S. Narsinghgarh, District West Tripura,

.....APPLICANT.
VERSUS.

1. The Union of India, (Through the Director General, of India Meterological Department, Mausam Bhavan, Lodi Road, New Delhi, PIN- 110 003).
2. The Director General of India Meterological Department, Mausam Bhavan, Lodi Road, New Delhi, PIN-110 003.
3. The Deputy Director General of Meterology, Regional Meterological Centre, 4, Dule Avenue, Alipore, Calcutta-700 027. -----RESPONDENTS.

or work and

-: 3 :

DETAILS OF APPLICATION

1. Particulars of the order against which the application is made.

Application is made against the final Order No.AE-185(Conf)/III/207,Dated 18-02-2003 issued by the Office of the Deputy Director General of Meteorology,Regional Meterological Centre,4 Duel Avenue, Alipore Calcutta intimating that applicant would not be given employment under Die-in-harness Scheme in view of the purported Government of India's instruction and decision of the Hon'ble Supreme Court.

2. Jurisdiction of the Tribunal.

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

3. Limitation :

The applicant further declares that the application is within limitation period prescribed by Section 21 of the Administrative Tribunal Act,1985.

4. Fact of the Case.

(a). That the father of the applicant namely Late Makhan Lal Das belonging to Scheduled Caste Community was serving as Assistant Meteorology,Grade-II and was posted at Agartala Airport and while serving as such he died on 15.6.2000 due to Cancer. A copy of the

Death Certificate of father of the Applicant is appended hereto as
ANNEXURE-A.

(b). That under the Scheme , namely 'Scheme for Compassionate Appointment' issued by the Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training ,dated 9-10-1998 , a member of the family of Late father of the applicant was eligible for employment under the aforesaid Scheme. No other member of the family of Late Makhan Lal Das was/is in service. In this connection it is pertinent to point out that the eldest son of Late MakhanLal Das was an employment under the Government of Tripura, but he was separate from the family for a pretty long time and he did not have any connection with the family of Late Makhan Lal Das. This fact is also known to the Department.

© That as stated earlier herein the late Father of the applicant , Makhan Lal Das died on 15-6-2000 and on 9-11-2000, the Meteorologist -In-charge, Meteorological Office, Agartala Airport issued a letter to the applicant asking him to submit application in prescribed Form for employment under the Die-in-Harness Scheme framed by the Government of India. A copy of that letter is appended hereto and marked as ANNEXURE-B.

(d). That, accordingly the applicant submitted his application in prescribed Form on 20.11.2000 for such employment, a copy of which is appended hereto as ANNEXURE-C.

(e). That, thereafter the applicant made many correspondances to the respondents for employment on compassionate ground but for a long period the applicant did not have any response from the respondents and only on 27.8.2002 the Regional Meteorological Centre, Alipore Kolkata intimated the applicant that the case of the applicant for employment on compassionate ground had been forwarded to the Director General of Meteorology, New Delhi, but no reply was received so far. A copy of the said letter is appended hereto as ANNEXURE-D.

(f). That thereafter on 18.2.2003 the applicant was informed by the Regional Meteorological Centre, Kokata that the case of the applicant for compassionate employment was considered sympathetically but it is regretted that the authority could not be agreed to provide the petitioner with a job under the aforesaid scheme in view of the instruction of the Central Government and the decision of the Supreme Court's Rulings in the matter. A copy of the said letter is appended hereto as ANNEXURE-E.

(f). That after receipt of the communication from the Kolkata Meteorological Office, mother of the applicant sent a representation to the Director General of Meteorology, India Meteorological Centre, Mausam Bhavan, Lodi Roard, New Delhi on 2.3.2003, requesting him to consider the application of the applicant for employment. In that letter the Director General of Meteorology was also requested to supply a copy of the decision of the Supreme Court as referred to in the letter

dated 13.2.2003. A copy of the said letter/representation is appended hereto as ANNEXURE-F.

(g). That on 5.5.2003 a copy of the Office Memorandum issued by the Ministry of Personnel, Public Grievances and Pension Department of Personnel & Training ,Government of India was sent to the applicant alongwith copies with some other papers wherein it was contended that employment under the aforesaid scheme shall not be made one year after the death of the Government servant and that was said to be the time limit for appointment on compassionate ground. The applicant is appending hereto one copy each of the two office Memorandums dated 3.12.1999 and 5.5.2003, both issued by the aforesaid Ministry as ANNEXURE-G & ANNEXURE-H respectively.

(h). That it would be seen that there had been no laches on the part of the applicant in regard to employment under the Scheme and soon-after the death of the applicant's father is started making representations for employment. Even in 2002 the applicant was informed that his name was sponsored by the Department for employment but no answer was received.

(i). That, be that, as it may, it was not mandatory to that only the Meteorological Department had to make appointment on compassionate ground. The applicant could also be appointed in any other department of Government of India. 5% ceiling limit even if reasonable , has to be considered in view of the vacancies under the

Government of India and not separately under the Meteorological Department. In this connection it is pertinent to point out that the aforesaid purported ceiling limit in fact negates the entire Scheme for employment on compassionate ground. In view of the aforesaid fact and circumstances the embargo and latter in regard to the employment on compassionate ground should be set at naught and quashed straightway, in limine and at the threshold.

(j). That the applicant has referred to some other Memorandum and Scheme claimed by the Government of India but he refrained from appending copies of the said documents hereto for sake of brevity but he craves leaves to refer and rely on those documents at the time of hearing of this application, if found necessary.

(k). That, on the fact and circumstances narrated herein above it would be seen that the applicant was in no way in fault and he is entitled to an employment under the Scheme. It is necessary to point out that the applicant is an Arts Graduate and he belongs to Scheduled Caste Community and, therefore, he is also within the age limit prescribed by the Government of India.

5. Grounds for relief with legal provisions:

The grounds for reliefs have been incorporated here-in-above and to avoid repetition the grounds are not separately narrated under this head.

6. Details of the remedies exhausted.

It would be seen from the narration earlier herein the applicant moved heaven and air for employment but unfortunately with no tangible result.

7. Matters not previously filed or pending with any other court.

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

8. Relief sought:

In view of the fact mentioned in Paragraph-4 above, the Applicant prays for the following relief :-

(a) pass orders directing the Respondents and each of them to allow the Applicant with a Job under the Government of India in a post commensurating with his qualification with retrospective effect from September, 2000.

(b) Pass orders directing the Respondents and each of them to allow the Applicant all benefits of service with effect from September, 2000 as if he has been under the Employment under the Government of India with effect from the said period.

(c) Pass orders in interim in terms of prayer (a) and Prayer (b) above

(d) Grant costs of an incidental to this application to the Applicant.

(e) Pass such further or other order or orders or directions as seem fit and proper having regard to the circumstances of the matter;

And for this gracious act of kindness the humble Applicant shall as in duty bound shall ever pray.

9. Interim order, if any, prayed for:-

-Nil.

10. The applicant desires to have oral hearing subsequent to the admission stage.

11. Particulars of Bank Draft/Indian Postal Order filed in respect of the Application Fee as :

State Bank of India,

Demand Draft No.. 206870 Date..... 28-08-2003

List of enclosures:-

1. Annexure.-‘A’ to ‘H’
2. Bank Draft – 1(0ne).
3. Vokalatnama.
4. Self addressed Envelope.
5. File Size envelope with address of the Respondents.

VERIFICATION.

I,shri Khokan Das, Applicant , son of Late Makhan Lal Das, aged 22...years, by profession-Government Service, resident of village Usha Bazar, P.O.Agartala Airport, P.S.Narsinghgarh,West Tripura, do hereby verify that the contents of Paragraph-1 , Paragraphs 4(a to k)

Arkaan Abd

20

are true to my knowledge and paragraph 2 and 3 are believed to be true on legal advise and that I have not suppressed any material fact.

Date:-

Place :-

Arkaan Abd
Signature of the Applicant.

To

The Registrar,

Central Administrative Tribunal,

Guwahati Bench, Rajgarh Road,

Bhangagarh, Guwahati-781 005.

Copy to:- The Sr.Central Govt.Standing Counsel,Guwahati.

11
21

ANNEXURE-A.

M.D.Apl.Form No.115.

719
3/-

FORM NO.10.

(See Rule 9).

Round Seal.

Government of Tripura.
Department of Health & Family Welfare.

CERTIFICATE OF ~~EXXN~~ DEATH * Issued under Section 12 of
the Registration of
Issued under Section 17 of
Births & Deaths Act, 1969.

This is to certify that the following information has been
taken from the original record of death which is in the register
for Agt. Municipal Council of Tehsil Jadar of District West Tripura
of State of Tripura...

(local area).

Name Late Makhan Lal Das. Nationality ... Indian.

Sex Male. Permanent address Usha Bazar Airport.

Date of Death 15.6.2000 Registration No.X....

Place of Death Cancer Hospital, Agt. Date of Registration X.

Name of Father/Mother/Husband Lt.Ramani Mohan Das.

Registration No.211 Dated 18.7.2000

Sd/- ~~Signature~~ of issuing authority. Sd/- Illegible. 18.7.2000
Health Officer, Seal Section-in-Charge,
Agartala Municipal Council. Birth and Death,
Agartala Municipal Council 18.7.2000

Sd/- Illegible.
Health Officer,
Registrar Birth & Death,
Agartala Municipal Council.

12
22

ANNEXURE-B.

Govt. of India
Indian Meteorological Department,
Meteorological Office, Agartala.
Agartala Airport.

NO.AT-OX-01/10.

Date-9-11-2K.

FROM:-

The Meteorological-in-Charge,
Meteorological Office,
Agartala Airport.

To

Smti. Niyati Das,
C/O Late M.L.Das,
Quarter No.:-M-42,
Agartala Aerodrome.

Sub:- Employment of Dependents of Government Servants dying in
Service.

Madam,

You are requested kindly to submit the applications (Annexure-
Part I) as supplied herewith duly filled in along with all
Educational Certificate and relevant documents of the applicant
at the earliest to this office.

Thanking you,

Yours faithfully,

Date-09-11-2000
Place-Agartala.

Sd/- Illegible. 9.11.2K.

(A.C.DAS),
Meteorologist-in-Charge,
M.O.Agartala.

*Revised
for
Agartala*

ANNEXURE.

PROFORMA 2604-2001.

Received.

PROFORMA REGARDING DEPLOYMENT OF DEPENDENTS OF GOVERNMENT SERVANTS DYING WHILE IN SERVICE /RETIRING ON INVALID PENSION.**Part-I.**

I. (a) Name of the deceased/retired
An invalid pension employee. : LATE MAHARAJ LAL DAS.

(b) Designation of the employee. : M.R. II.

(c) Date of birth of the employee. : 30-10-1943.

(d) Date of death/retirement on invalid pension-15.6.2000.

(e) Total length of service rendered. 30 years 1 month 14-days.

(f) Whether permanent or Temporary. Permanent.

(g) Whether belonging to SC/ST.. : S.S.

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

(b) His/her relationship with the employee. Son.

(c) Date of birth. : 15.9.1971.

(d) Educational Qualifications. : Appeared B.A.Final.

Examination 2000

(e) Whether any other dependent has : No.
been appointed on compassionate
grounds.

III. Particulars of total assets left

including amount of -

(a) Family Pension.

(b) D.C.R.gratuity.

(c) G.P.F.Balances. : 677 D.L.I. Payment

(d) L.I.Policies(including PLI). : NIL.

(e) Movable and Immovable properties. NIL.
and annual income earned therefrom
by the family.

(f) G.G.E.Insurance Amount. : Rs. 60000/-

Saving Fund Rs.14,264/-

(g) Encashment of leave.

(h) Any other assets. : NIL.

Rs. 74264.00-

IV. Brief Particulars of liabilities,if any. Widow wife and two

unemployed sons and a huge amount
of debt required for self treatment.

*Revised
for
calculation*

14
74

ANNEXURE-C(Contd.).

V. Particulars of all dependents of the Govt. Servant (if some are employed, their income and whether they are living together or separately).

Sl. No.	Name.	Relationship with the Government servant and age.	Employed or not, particulars of employment and emoluments.
1.	Smti. Niyati Das.	Wife 53 years.	Not employed.
2.	Shri Khokan Das.	Son 29 years.	Not employed.
3.	Shri Anil Das.	Son 24 years.	Not employed.
4.	Shri Jagadish Das.	Son 34 years.	Employed and living separately.

DECLARATION.

VI. 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 any future date, my services may be terminated.

Date.. 16.11.2000

Sd/- Khokan Das.

Signature of the candidate.

Shir Khokan Das is known to me and the facts mentioned by him are correct.

Date- 20.11.2000

Signature of permanent Government Servant.

Name.. Phanindra Narayan Das.
Address. Mett Office, Agartala.

Mett Office, Agartala.

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

Date.....

Signature of the Welfare Officer,

Name.....

Address.....

*Alfred
Jew
Advocate*

....

15
25

ANNEXURE-D.

Telegraphic Address:-

"WEATHER" Calcutta.

REGISTERED

No. AE-185(Conf).

III/.

Telephone Nos.

47393782/4793941-42-43. GOVERNMENT OF INDIA.

Telex No. 8073/8059.

INDIA METEOROLOGICAL DEPARTMENT.

FROM :-

ROUND

MONOGRAM.

THE DEPUTY DIRECTOR GENERAL OF METEOROLOGY

REGIONAL METEOROLOGICAL CENTRE,

4, DUEL AVENUE,

ALIPORE, CALCUTTA-700 027.

Dated, Alipore(Calcutta), the 27.8.2002.

To

Smti. Niyati Das,
W/O Late M.L.Das, Ex-AM-II,
C/O Met. Office, Agartala Airport,
Tripura West.

Sub:- Appointment on compassionate ground.

Sir/Madam,

Cases of compassionate appointment for you/your son/daughter has been forwarded to D.G.M., New Delhi for consideration but no reply received so far. Information when received from D.G.M., New Delhi will be communicated to you in due course.

Yours faithfully,

Sd/- Illegible, 27.8.02.

(D.Roy),

Asstt. Meteorologist Gr. I. (Admin.),
for D.D.G.M.

Regional Met. Centre, Kolkata.

*Pls. see
Mr.
Advocat'*

....

16
26

ANNEXURE-E.

REGISTERED.

NO.AE-185(Conf)/III/207.

GOVERNMENT OF INDIA.

INDIA METEOROLOGICAL DEPARTMENT.

Telegraphic address :-

"WEATHER" Calcutta.

From :-

Telephone Nos.:-

4793782/4793941-42-43.

The Deputy Director General of Meteorology

Regional Meteorological Centre

Telex No. : 033-4793167.

4 Dule Avenue,

Telex No. 021-8073R8059.

Alipore, Calcutta-700 027.

Dated.....199

All communication by post. Alipore(Calcutta), dated the 18.2.2003.

should be addressed to the

Deputy Director General of

Meteorology by title. NOT

BY name.

To :

Shri Khokan Das,
S/O Late Makhan Lal Das,
Ex-AM-II.

Sub:- Appointment on compassionate ground.

Sir,

With reference to application dated 26.4.01 of Shri Khokan Das, Son of ~~Shri~~ Late Makhan Lal Das, Ex-AM-II, requesting for compassionate appointment in this Department, it is informed that the request of Shri Khokan Das was considered sympathetically but it is requested that the same could not be agreed to as per Government Instructions and Hon'ble Supreme Court's Rulings in the matter.

Yours faithfully,
Sd/-Illegible. 18.7.03.

(D.Roy),
Asstt. Meteorologist Gr.I(Admin),
for D. M.
Regional Met. Centre, Kolkata.

*Dinesh
Dev.
Advocate*

17
24

ANNEXURE-F.

To

The Director General of Meteorology,
Indian Meteorological Centre,
Mousom Bhavan,
Lodhi Road,
New Delhi.

(Kind attention to Mr.D.Roy, Asstt.Meteorologist Gr.I (Admin)
for D.D.G.M., Regional Met.Centre, Kolkata).

Reference :- No.AE-185(Conf)/III/207, Alipore (Kolkata),
dated 18.2-2003.

Subject :- Appointment on compassionate ground.

Sir,

With reference to your letter as cited above, I humbly
beg to state that my application for appointment of my son Sri
Khokan Das, S/O Late Makhan Lal Das, Ex.A.M.II,M.O.Agartala, on
compassionate ground was considered sympathetically by you th but
the same could not be agreed by you as per Government Instructions
and Hon'ble Supreme Court's Rulings. This news came to me like
a bolt from the blue in the very stringent juncture of my life.
Though I am living my life alongwith 2(two) other unemployed
family members in a wretched condition but before obeying your
decision as reflected in the above cited letter, for the sake
of mental satisfaction of mine, I would like to go through the
Government Instructions and Hon'ble Supreme Court's Rulings by
perusing which at least I can provide some peace to my
distressed heart.

Contd....p/2.

*Alipore
J.W.
P.D.C.*

ANNEXURE-F. (Contd.).

-: 2 :-

I, therefore, fervently pray and hope that your honour would be kind enough to consider my application afresh and will provide me a copy of Government Instructions and Hon'ble Supreme Court's Rulings, on the basis of which you could not consider my case, for which act of kindness I shall remain ever grateful.

Dated, Agartala Airport,

Yours faithfully,

The 2nd March, 2003.

Sd/- Niyati Das.

(Smti. Niyati Das),

W/O Late Makhan Lal Das,

Ex.A.M.II.

M.O. Agartala.

19
29

ANNEXURE-G.

F.Nos.14014/23/99-Estt.(D).

Government of India.

Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training.

New Delhi-110001.

December 3, 1999.

OFFICE MEMORANDUM.

Subject:- Time-limit for making Compassionate Appointment.

The undersigned is directed to refer to the Department of Personnel and Training Office Memorandum No.14014/6/94-Estt(D) dated October 9, 1998 on the above subject and to say that the question of prescribing a time-limit for making appointment on compassionate grounds has received due consideration taking into account the ceiling of 5% of vacancies falling under direct recruitment quota in any Group 'C' or 'D' post prescribed in this regard in paragraph 7(b) ibid and the ruling of the Supreme Court that appointment on compassionate grounds can be made only if vacancies are available for the purpose (mentioned in Paragraph 17(d) ibid). Accordingly, it has been decided that the Committee prescribed in Paragraph 12 ibid for considering a request for appointment on compassionate grounds should take into account the position regarding availability of vacancies for such appointment and it should recommend appointment on compassionate grounds only in a really deserving case and only if vacancy meant for appointment on compassionate grounds will be available within a year, that too within the ceiling of 5% mentioned above. This would ensure grant of compassionate appointment within a year. In respect of other really deserving cases the Committee should only recommend taking up the matter with other Ministeries/ Departments/Offices of the Government of India to consider those cases for appointment there as provided in Paragraph 7(i) ibid.

Contd....p/2.

*Office of the
Minister of
Personnel and Training*

20
30

Contd. (Annexure-G).

2. The instructions contained in the Office Memorandum dated October 9, 1998 stand modified to the extent mentioned above.
3. The above decision may be brought to the notice of all concerned for information, guidance and necessary action.

Sd/-Illegible.

(J.K.JHA),

DIRECTOR (Establishment).

To

All Ministeries/Departments of the Government of India.

Copy to :-

1. The Comptroller and Auditor General of India.
2. The Secretary, Union Public Service Commission,
3. Rajya Sabha Secretariate,
4. Lok Sabha Secretariat,
5. All State Governments/Union Territory Administrations,
6. All attached/subordinate offices under the Department of Personnel and Training / Ministry of Home Affairs.
7. National Commission for SCs/STs, New Delhi.
8. National Commission for OBCs, New Delhi.
9. The Secretary, Staff Side, National Council.
10. The Registrar General, The Supreme Court of India.
11. The Department of Administrative Reforms and Public Grievances
Sardar Patel Bhavan, New Delhi 110001.
12. All Offices/Sections of DOP & T.
13. Establishment (D) Section (500 copies).

21
31

ANNEXURE-H.

No.P.14014/19/2002-Estt(D).

Government of India.

Ministry of Personnel, Public Grievances & Pensions,

Department of Personnel & Training.

New Delhi, dated the 5th May, 2003.

OFFICE MEMORANDUM.

Subject :- Time-limit for making compassionate appointment.

The undersigned is directed to refer to Department of Personnel & Training OM No.14014/6/94-Estt(D) dated October 9, 1998 and OM No.14014/23/99-Estt(D) dated December 3, 1999 on the above subject and to say that the question of prescribing a time limit for making appointment on compassionate grounds has been examined in the light of representations received, stating that the one year limit prescribed for grant of compassionate appointment is often resulting in depriving genuine cases seeking compassionate appointments, on account of regular vacancies not being available, within the prescribed period of one year and within the prescribed ceiling of 5% of direct recruitment quota.

2. It has, therefore, been decided that if compassionate appointment to genuine and deserving cases, as per the guidelines contained in the above OMs is not possible in the first year, due to non-availability of regular vacancy, the prescribed Committee may review such cases to evaluate the financial conditions of the family to arrive at a decision as to whether a particular's case warrants extension by one more

-2-

year, for consideration for compassionate appointment by the Committee, subject to availability of a clear vacancy within the prescribed 5% quota. If on scrutiny by the Committee, a case is considered to be deserving, the name of such a person can be continued for consideration for one more year.

3. That maximum time a person's name can be kept under consideration for offering Compannionate Appointment will be three years, subjecy to the condition that the prescribed Committee has reviewed and certified the penurious condition of the applicant at the end of the first and the second year. After three years, if compassionate appointment is not possible to be offered to the Applicant, his case will be finally closed and will not be considered again.

4. The instructions contained in the above mentioned OMs stand modified to the extent mentioned above.

5. The above decision may be brought to the notice of all concerned for information, guidance and necessary action.

6. Hindi version will follows.

Sd/- Illegible.

("Indhu Kashyap).

Director (JCA).

To

All Ministeries/Departments of the Government of India.

Contd...p/3.

23

37

Annexure-H (Contd.).

-3-

Copy to :-

1. The Comptroller and Auditor General of India,
2. The Secretary, Union Public Service Commission,
3. Rajya Sabha Secretariat,
4. Lok Sabha Secretariat,
5. All State Governments/Union Territory Administrations,
6. All Attached/subordinate offices under the Department of Personnel & Training/Ministry of Home Affairs.
7. National Commission for SCs/STs, New Delhi.
8. National Commission for OBCs, New Delhi.
9. The Secretary, Staff Side, National Council.
10. The Registrar General, The Supreme Court of India.
11. The Department of Administrative Reforms and Public Grievances, Sardar Patel Bhawan, New Delhi.
12. All Offices/Sections of Department of Personnel & Training.
13. Facilitation Centre, DOP&T -20 spare copies.
14. Establishment (D) Section (500 copies).
