

01/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 250/103

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

FROM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 250 / 03

Misc Petition No: \_\_\_\_\_

Contempt Petition No: \_\_\_\_\_

Review Application No: \_\_\_\_\_

Applicants: - K.K. Barman

Respondants: - WOT L&S

Advocate for the Applicants: - Mr. Adib Ahmed

Advocate for the Respondants: - CGSC.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time. <del>Condonation</del> Petition is filed / not filed for Rs. 500/- vide order / GG 70/099 dated 20/10/03.</p> <p><i>[Signature]</i> mb</p>	31.10.2003	<p>Heard Mr. A. Ahmed, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the application shall not be admitted. List on 8.12.2003 for admission.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>Per. comply order dated 31/10/03.</p> <p><i>[Signature]</i> 31/10/03</p> <p>Notice &amp; order dt. 31/10/03 sent to D/Section for issuing the response but No-1 to G, by R/part.</p> <p><i>[Signature]</i> 13/11/03. D/No. _____ Dt. _____</p>	23.12.2003	<p>Present : The Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman. The Hon'ble Mr. K.V. Prahladan Member (A).</p> <p>Heard learned counsel for the parties.</p> <p>The application is dismissed in terms of the order passed in separate sheets. No order as to costs.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

mb

13.1.2004

✓

Copy of the  
order has been  
sent to the office  
for issuing the  
line to the  
applicant as well  
as to the Sr. C. G. C.  
in the register.

SL

24/1/11

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./R.A.No. 1111 250 of 2003.

DATE OF DECISION 23.12.2003.

Sri Krishana Kamal Barman

.....APPLICANT(S).

Mr. A. Ahmed.

.....ADVOCATE FOR THE  
APPLICANT(S).

-VERSUS-

U.O.I. & Ors.

.....RESPONDENT(S)

Me. A. Deb Roy

.....ADVOCATE FOR THE  
RESPONDENT(S).

THE HON'BLE MR. JUSTICE B. PANIGRAHI, VICE CHAIRMAN.

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

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

Judgment delivered by Hon'ble ~~Member~~ Vice Chairman.

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 250/2003

Date of Order : This the 23rd day of December, 2003.

THE HON'BLE MR. JUSTICE B. PANIGRAHI, VICE CHAIRMAN  
THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Sri Krishna Kamal Barman,  
Son of Late Nani Barman,  
C/o Sri Jogen Barman,  
Bishnu Path, R.G. Baruah Road,  
Near Sankar Dev Vidyalaya Niketan,  
Guwahati - 781 024.

. . . Applicant.

By Advocate Mr. A. Ahmed.

- Versus -

1. Union of India,  
Represented by the Secretary to the  
Government of India,  
Ministry of Industry, New Delhi.
2. The Development Commissioner  
(Small Scale Industries),  
Govt. of India, Nirman Bhavan,  
Delhi - 11.
3. The Director,  
Small Industries Service Institute,  
Bamunimaidam, Guwahati - 781 021.

. . . Respondents.

BY Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R

PANIGRAHI J. ( V.C. ):

B

In this application there has been prayer made by the Applicant in not giving him compassionate appointment on the demise of his mother who was in government service as U.D.C. The applicant claimed that he had passed B.A. Examination from Guwahati College and thereafter qualified in typing in English. His mother died on 23.10.2002 while

she was working under the office of the Respondent No. 3 leaving the applicant as her dependant. The applicant filed an application before the Respondent No. 3 on 04.02.2003 requesting to give him appointment on compassionate ground. But the Respondent No. 3 passed order on 03.09.2003 rejecting his claim of such appointment, which is assailed in this application.

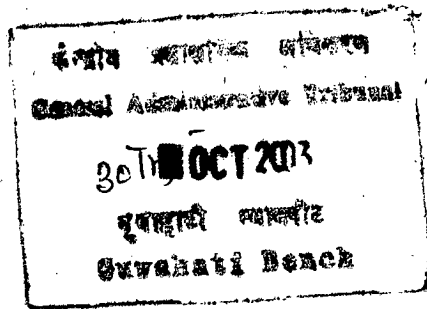
2. From the order impugned before us, we noticed that the family of the deceased Government servant obtained retirement <sup>benefits</sup> of Rs. 7,18,577/- in addition to Rs.3013/- <sup>plus</sup> ~~at~~ Dearness Allowance *as family pension per month.*

3. In that view of the matter, it cannot be said that the family of the deceased Government servant is            in indigent condition as to provide necessary financial assistance.

4. Accordingly, we do not find any merit of the application and the same is dismissed. No order as to costs.

*K.V. Prahladan*  
( K.V. PRAHLADAN )  
ADMINISTRATIVE MEMBER

*B. Panigrahi*  
( B. PANIGRAHI )  
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.  
(AN APPLICATION UNDER SECTION OF 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 250 OF 2003.

Sri Krishna Kamal Barman

-Applicant.

-Versus-

The Union of India & Others

-Respondents

LIST OF DATES AND SYNOPSIS

Application 1 to 15

Verification 16

Annexure-A is the Photocopy of B.A.  
(Honours) Passed certificate of the  
applicant. 17

Annexure-B is the Photocopy of passed  
certificate of Diploma in English  
Short-hand and English typing. 18

Annexure-C is the Photocopy of D.T.P. Passed  
Certificate. 18 19

Annexure-D is the Photocopy of above said representation dated 04-02-2003. 20

Annexure-E is the Photocopy of above said Rejection Order vide No.A-12012/9/2003-A (NG) dated 03-09-2003. 21 to 22

That the applicant has passed B.A. Examination from Gauhati College, under Gauhati University, with Major in Geography in the year of 2002. He obtain diploma in Shorthand and typing in English and he also pass Computer D.T.P.. He is aged about 24 years. The applicant's Mother, Late Nani Barman Ex-UDC, who served under the Office of the Respondent No.3 expired on 23-10-2002 while she was working under the Office of the Respondent No.3. The applicant filed a Representation before the Respondent No.3 on 04-02-2003 and requested him for appointment of the applicant on compassionate ground in any suitable posts under Respondent No.3. The Office of the Respondent No.2 rejected the claim of the applicant for appointment on compassionate ground vide Order No.A-12012/9/2003-

9

20

A(NG) dated 03-09-2003. In the said order of rejection the Respondent No.2 has given some

grounds for rejecting the claim of the applicant. All the above said grounds are flimsy, mechanical and without applying any mind by the Respondents and also not maintainable in the eye of law. Hence the applicant is compelled to approach this Hon'ble Tribunal seeking a direction from this Hon'ble Tribunal to the Respondents for appointment to the applicant on compassionate ground in the vacant post of LDC available under the Office of the Respondent No.3.

Filed by  
 Shri. Krishna Kamal Barman  
 Applicant  
 through J.L.R.  
 (Adv. Ahmed) /  
 Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
 GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE  
 CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. 250 OF 2003

BETWEEN

Sri Krishna Kamal Barman,  
 Son of Late Nani Barman,  
 C/o Sri Jogen Barman,  
 Bishnu Path, R.G. Baruah Road,  
 Near Sankar Dev Vidhya Niketan,  
 Guwahati-781024.

-Applicant.

-AND-

- 1] Union Of India,  
 represented by the Secretary  
 to the Government of India,  
 Ministry of Industry, New Delhi.

Barman

2] The Development Commissioner  
(Small Scale Industries),  
Govt. of India, Nirman Bhavan,  
Dilhi-11.

3] The Director,  
Small Industries Service Insti-  
tute, Bamunimaidam,  
Guwahati-781021.

-Respondents.

DETAILS OF THE APPLICATION:

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

This application is made against the  
impugned order No. A-12012/9/2003-  
A(NG) issued by the Office of the  
Respondent No.2 by which applicant  
claim for compassionate appointment  
was rejected.

2] JURISDICTION OF THE TRIBUNAL

Barnam

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

3] LIMITATION

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

4] FACTS OF THE CASE

Facts of the case in brief are given below:

4.1] That your humble applicant is a citizen of India and as such, he is entitled to all the rights and privileges guaranteed under the Constitution of India.

4.2] That your applicant begs to state that he passed B.A. Examination from Gauhati

Barmann

College, under Gauhati University, with Major in Geography in the year of 2002. He obtain diploma in Shorthand and typing in English and he also pass Computer D.T.P.. He is aged about 24 years.

Annexure-A is the Photocopy of B.A. (Honours) Passed certificate of the applicant.

Annexure-B is the Photocopy of passed certificate of Diploma in English Short-hand and English typing.

Annexure-C is the Photocopy of D.T.P. Passed Certificate.

4.3] That your applicant begs to state that he is the Son of late Nani Barman, Ex-Upper Division Clerk, who served under the Office of the Respondent No.3, i.e., the Director of Small Industries Service Institute. Late Nani Barman expired on 23-10-2002 while she was working under the Office of the Respondent No.3.

N. Barman

14

4.4] That your applicant begs to state that the Govt. of India has a scheme for compassionate appointment on the Group-C and Group-D posts. 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 retire on Medical Ground, thereby leaving his family in Penury and without any means of livelihood, to relieve the family of the Govt. Servant concerned from financial destitution and to help with get over the emergency.

4.5] That your petitioner begs to state that after the death of his Mother, Late Nani Barman Ex-UDC, the applicant file a Representation before the Respondent No.3 on 04-02-2003 and requested him for appointment of the applicant on compassionate ground in any suitable posts under Respondent No.3.

Annexure-D is the Photocopy of above said representation dated 04-02-2003.

4.6] That your applicant begs to state that the Office of the Respondent No.2 rejected the

K. Barman

claim of the applicant for appointment on compassionate ground vide Order No.A-12012/9/2003-A(NG) dated 03-09-2003. In the said order the Office of the Respondent No.2 given some grounds for rejecting the claim of the applicant. All the above said grounds are flimsy not maintainable in the eye of law. Hence the applicant is compelled to approach this Hon'ble Tribunal seeking justice.

Annexure-E is the Photocopy of above said Rejection Order vide No.A-12012/9/2003-A(NG) dated 03-09-2003.

4.7] That your applicant begs to state that at the time of the death of his mother, Late Nani Barman-Ex-UDC the father of the applicant did not serve under the office of the Respondents. The family of late Nani Barman has receive financial benefits due to her sudden death. It may be stated that the family of Mrs. Barman has not receive any retiral Benefits. As per rule under appointment on compassionate ground, an application for compassionate

N. Barman

appointment should, however, not be rejected merely on the ground that the family of the govt. 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.

In the said rejection Order dated 03-09-2003 it has been stated that Group-C posts are available in the Office of the Respondent No.3 and other places also. The Office of the Respondent No.2 has also admitted that there are excess appointment on compassionate ground, i.e., more than 5% quota it is proved that the prescribed rule has already been violated by the Respondents. As such the Respondents cannot discriminate with the applicant in case of

Barnan

compassionate appointment. Hence the above said rejection letter issued to the applicant is not sustainable under the eye of Law as well as facts of the case.

4.8] That your applicant begs to state that the Respondent No. 2 in his rejection letter dated 03-09-2003 (Annexure-E) has admitted that one vacant post L.D.C. is available at the Office of the Respondent No. 3. But on a vague ground the Respondent No. 2 declined to appoint the applicant on the said post. As such, the Hon'ble Tribunal may be pleased direct the Respondent No. 2 appoint the applicant on the above said post on compassionate ground.

4.9] That your applicant begs to state that his mother, Late Nani Barman Ex-UDC, rendered her service under the Respondents with sincerity and devotion to her duty till her death.

4.10] That your applicant begs to state that in pursuance to the provision of compassionate appointment extended to the wives/daughters/

Barman

sons of a deceased employee the Respondents has already extended the above said benefits to other similarly situated candidates namely Late Nila Dutta, Peon, Alok Sarkar etc. but in case of the applicant the Respondents authorities have adopted discriminatory policy.

4.11] That your applicant begs to state that his father is an old aged person suffering from heavy diabetic and high blood pressure. He is in bed-ridden condition. Your applicant is the only person to look after his old aged father. The father of the applicant is surviving only on medicine. The applicant is suffering from frustration and mental depress due to non-appointment of the applicant by the Respondents in spite of being a highly educated person.

4.12] That your applicant begs to submit there is no any person in the family of the applicant who has a Government or semi-government job. The Family of the applicant is facing acute financial hardships.

4.13] That your applicant submits that the Respondent authority have rejected the prayer

*A. P. Bannan*

of the applicant on compassionate ground appoint in an unsympathetic and mechanical way without considering the facts and circumstances of the case.

4.14] That the applicant submits that non-appointment of the applicant on compassionate ground by the Respondents have deprived the applicant from his fundamental rights guaranteed under the Constitution of India. As such, the applicant is subjected to hostile discrimination in violation of Articles 14, 16 and 21 of the Constitution of India.

4.15] That the applicant humbly submits that the applicant has right to live and right to work as well as to avail the benefit of compassionate appointment which has been taken away by the Respondents and have violated the rights of the applicant enshrined under the Constitution. Hence, the action of the Respondents is illegal, arbitrary, mala fide and also in colourable exercise of power to accommodate their interested persons. As such, it is a fit case for immediate interference by this Hon'ble Court.

*Harman*

4.16] That in the instant case the Respondent authorities have deviated from the scope of benefit of compassionate appointment extended to the applicant as they have already appointed some candidates of their choice on compassionate ground.

4.17] That your applicant submits that he should be appointed immediately in a suitable post as per his qualification under the Respondents.

4.18] That the applicant demanded justice and the same has been denied to him.

4.19] That this application has been filed bona fide to secure the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

5.1 For that, on the reasons and facts which are narrated above the action of the Respondents is prima facie illegal and without jurisdiction.

Barnum

5.2 For that action of the Respondents in prima facie is mala fide, illegal, and with a motive behind. As such, the action of the respondents is illegal, arbitrary and also violative of the natural justice.

5.3 For that rejection of applicant's appointment on compassionate ground is hostile discrimination and violative of Articles 14 & 16 of the Constitution of India.

5.4 For that it is not just and fair to deprive the applicant from getting appointment on compassionate ground by the Respondents.

5.5 For that there is one vacant post of L.D.C. is still available in the Office of the Respondent No.3 but the Respondents have deprived the applicant without any cogent reason or cause.

5.6 For that the Central Government being a model employer cannot employer

Barnan

cannot be allowed to adopt a differential treatment to the applicant.

5.7 For that similarly situated persons has already got the benefits of appointment on compassionate ground. As such, the case of the applicant should also be considered by the Respondents.

5.8 For that the action of the Respondents is not maintainable in the eye of law. The applicant craves Leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal.

B. B. B. B.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority, or any other bench of this Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that your Lordship may be pleased to admit this petition, call for the records and after hearing both the parties the Hon'ble Tribunal may be pleased to direct the Respondents to give the following reliefs:

8.1] That the Respondents may be directed by the Hon'ble Tribunal to appoint the

K. Barman

applicant in the vacant post of LDC lying vacant at the Office of the Respondent No.3 or any Group-C post on compassionate ground.

8.2] Cost of the application.

9. INTERIM ORDER PRAYED FOR:

That this Hon'ble Tribunal may be pleased direct the Respondents to keep the vacant post of L.D.C. available under the office of the Respondent No.3 till disposal of this Original application.

10. Application Is Filed Through Advocate.

11] Particulars of I.P.O.:

I.P.O. NO. 96701099  
Date Of Issue 20.10.2003  
Issued from GUWAHATI G.P.O  
Payable at Guwahati

12. LIST OF ENCLOSURES:

As stated above.

- Verification.

Barman

## VERIFICATION

I, Sri Krishna Kamal Barman, Son of Late Nani Barman, C/o Sri Jogen Barman, Bishnu Path, R.G. Baruah Road, Near Sankar Dev Vidhya Niketan, Guwahati-781024 do hereby solemnly verify that the statements made in paragraphs 4.1, 4.3, 4.4, 4.6 to 4.11 are true to my know-ledge, those made in paragraphs 4.2, 4.5, — are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this 30th day of oct, 2003 at Guwahati.

*Krishnakamal Barman*

Declarant.

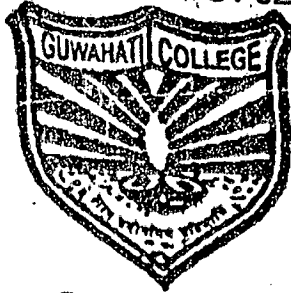
Sl. No. 1413

Book No. 13

550512

# GUWAHATI COLLEGE

P. O. BAMUNIM Aidam  
GUWAHATI - 781 021



This is to certify that Shri / Miss Krishna Kamal Barman  
son / daughter of Shri Jagen Barman  
W/o Bishnu Path P. O. Zoo Road  
Dist. Kamrup, Assam has passed the H.A.T.C. Part-II (Arts)  
Examination, 19.2.02 of Guwahati University / A.H.F.C. under  
Roll No. A.02206 No. 32 from Guwahati College and was placed in the  
II Division / Class

His / her combination of subjects were Major in (Geography)

During the period of studies in the College I found his / her conduct and character to be good.

I wish him / her success in life.

Dated Guwahati  
The 5/09/2002 19

*Attested*  
*Neel*  
*3/2/03*  
Deputy Director (S&T)  
Small Industries Service Instn,  
Govt. of India, Guwahati-21

*Principal*  
S-0902  
Principal  
Guwahati College

*Attested*  
*Adhikari*

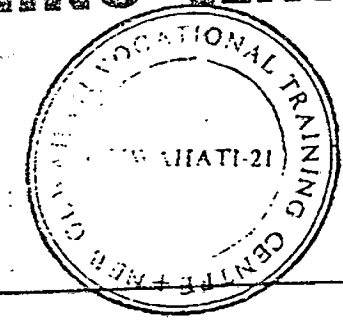
Estd. : 1982

No. NGVTC/ 520

# NEW GUWAHATI VOCATIONAL TRAINING CENTRE

## GUWAHATI, ASSAM

Regd. No. RF/GHY/138/1 of 1996-97



This is to certify that *Pr./Prmle* KRISHNAKAMAL BARMAN

*son/daughter/wife-of* Shri Jogen Barman *an inhabitant of Village/*

*Town* Bishnu Path, Ghy.-24 P.O. Zoo Road *District* Kamrup (Assam)

*has attended in this Institute during session* 1999-2000 *a full course of Training in*

**ENGLISH STENOGRAPHY** *and has appeared in the Institute Final Diploma*

*Examination which he/she has successfully passed, having attained the speed of* 80 (Eighty) *words*

*per minute in Shorthand,* 40 (Forty) *words per minute in Typewriting being placed in*

*the* Third *Division.*

*I wish him/her success in life.*  
*Attest*  
*Jogen*

*[Signature]*

Principal

New Guwahati Vocational Training Centre  
Bemazimaidan, Guwahati-78.021

GUWAHATI, ASSAM

Dated 11th January, 19 2000.

*Admitted*

37/24/2003 (MMT)  
Small Industries Service Instn,  
Govt. of India, Guwahati-21

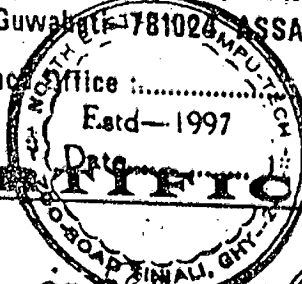
Govt. Regd No. RF/KAM/142/361/97

Code No. : NECT/ 2000/50

# NORTH EASTERN COMPUTE-TECH NECT

Head Office : Zoo-Road Tinjali, Zoo-Narangi Road  
Guwahati - 781026 ASSAM

Branch Office : .....  
Estd - 1997



## CERTIFICATE

COURSE: *D.S.A (Diploma in Software Application)* DURATION: 6 Months

This is to certify that  
*Mr./Ms. Krishna Kamal Barman*  
son/daughter/wife of *Mr. Jogen Barman*  
has successfully completed the above course  
from *13-07-2000 to 12-01-2001*  
by securing *"B"* Grade.

### THIS COURSE CONSISTS OF THE FOLLOWING MODULES :

- (A) Fundamentals of Computer.
- (B) Operating System with MS-DOS.
- (C) Windows (Paintbrush/Write/Notepad/File Manager/Character Map)
- (D) Page Maker, Corel DRAW.
- (E) Hands on English, Assamese & Hindi Type Style.
- (F) Printing Marketing with Paper Size.
- (G) Screen Printing.
- (H) MS-OFFICE (MS-WORD, MS-EXCEL, MS-POWER POINT)
- (I) FOXPRO
- (J) Programming in C/C++
- (K) TALLY
- (L) WARDSTAR
- (M) BASIC
- (N) UNIX
- (O) INTERNET

Branch-In-charge

*Altuat*  
*Maya*  
Date: *3/12/03*  
Small: *51*  
Guwahati: *1421*

*Dyal*  
*01/12/02*  
PRINCIPAL, (NECT)  
Principal.

**NORTH EASTERN COMPUTE-TECH**  
**GUWAHATI**

Grades : A - Above 60%, B - 45% to 60%, C - 30% to 44%

*Altuat*  
*Adwiti*

To

Date: 4/2/03

The Director,  
Small Industries Service Institute,  
Bamunimaidan,  
Guwahati - 781021

Sub: Prayer for Compassionate Appointment against the death of my mother late Mrs. Nani Barman

Sir,

Most humbly and respectfully, I beg to state that I am the only dependent child of my mother late Mrs Nani Barman, Ex.U.D.C of your institute who expired on 23/10/2002. I am an educated unemployed. I have no source of earning to meet my day-to-day livelihood.

After the death of my mother I have become very frustrated. I am now helpless and urgently in need of a job. As my father is a retired person and does not have any net source of income.

My elaborate Bio data is as follows

- 1. Name : Krishna kamal Barman
- 2. Father's Name : Shri Jogen Barman
- 3. Date of Birth : 02/05/1979
- 4. Address : C/o Jogen Barman  
Bishnu Path, R.G. Baruah road,  
Near Shankardev Vidya Niketan,  
Guwahati - 781024
- 5. Educational Qualification : B.A.(Hon) 2<sup>nd</sup> Class from  
Guwahati University
- 6. Other Qualification : Shorthand(Eng), Computer D.T.P
- 7. Nationality : Indian
- 8. Religion : Hinduism.

Under the circumstances and facts stated above I fervently request you kindly to gracefully consider my present condition and appoint me to any post on compassionate ground against the death of my mother. Thanking you for your kind concern.

Yours Faithfully,

Krishna kamal Barman  
(Son of Late Mrs Nani Barman)

Atty Cl  
Sd/-  
Adm to

- 21 - 17

ANNEXURE - E

80

No.A-12012/9/2003-A(NG)  
Government of India  
Ministry of Industry  
Office of the Development Commissioner  
(Small Scale Industries)

Nirman Bhavan, New Delhi.  
Dated: 3.9.2003

To,  
The Director,  
Small Industries Service Institute  
Bamunimaidan,  
Guwahati - 781 021 (Assam)

Subject: Request for compassionate appointment in respect of Sh. Krishna Kamal Barman son of Shri Jogen Barman and late Nani Barman, ex-UDC. SISI, Guwahati, to the post of LDC

Sir,

I am to refer to your letter No. A-12012(D/99)/2537, dated 21.8.2003, on the subject mentioned above, and to say that the request of Shri Krishna Kamal Barman son of Shri Jogen Barman and late Nani Barman, ex-UDC, SISI, Guwahati for compassionate appointment to the post of LDC has been examined in this office but it has not been possible to accede to the same on the following grounds:-

→ SA-71

Rule position Position in r/o Sh. Krishna Kamal Barman

The concept of compassionate appointment is related to providing immediate help to the family of deceased Government servant who may be left in indigent condition on the death of govt. servant. The indigent condition of family is the basic test. (Rule 5(a) of DOPT O.M. No. 14014/6/94-Est(D) dated 9-10-1998.	In this case both of Sh. Krishna Kamal Barman's parents were employed. In addition, the family has received retirement benefits of Rs.7,18,577 apart from monthly family pension of Rs 3013+DA. In view of this, the test of indigent condition of family is not proved in this case.
In terms of instructions contained in para 7(b) of DOPT O.M.No.14014/6/94 Compassionate appointment can be made upto a maximum of 5% of vacancies falling under direct recruitment quota in any Group 'C' or 'D' post. The appointing authority may hold back upto	Under SISI, Guwahati, both in respect of Group 'C' and 'D' posts, we have already utilized 5% quota available for compassionate appointment.

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Attch  
Adm to

S. I. S. I. GUWAHATI  
2003  
SEP 2003

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.	It will not be feasible to go beyond 5% quota for such appointments.
Position w.r.t. availability of vacancies in Group 'C' post elsewhere in Organisation	(1) Even though one vacancy of LDC is available in SISI, Guwahati we have already filled up more than 5% quota under SISI, Guwahati for making of compassionate appointments. Further filling up any post on compassionate appointment under SISI, Guwahati will be violative of rules position in the S.I.D.O. organization as whole, the 5% quota prescribed for compassionate appointment stand exhausted.

Yours faithfully,

*[Signature]*

(D.K. Gautam)

Dy. Director (Admn.)

Govt. of India  
S.I.S. Guwahati-21

Dist. No. A-12012(1)/3107

Dated: -17.09.2003

Copy communicated for information:-

*[Signature]*

(R. Dutta)  
Asstt. Director (Admn.)  
for Director

To:-

1. ✓ Shri Krishna Kanta Barman,  
(Son of Late, Mrs. Nand Barman),  
C/O, Shri Jagan Barman, Barman Path, R.G. Barman Road, 1,  
Near Shekhardev Vidyapeeth, Guwahati-781 024 (ASSAM)

Copy to:-

2. B/File of (Late) Mrs. Nand Barman, Ex-UDC, E.S.I. City.

*Attchd*  
*[Signature]*