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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 290/03
R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

Kahla
20/11/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original Application No:- 290 / 03

Contempt Petition No: _____

Name of the Applicant(s): Ashid Alam

Name of the Respondant(s): Wol & us.

Advocate for the Applicant:- D. Chaleha, H. G. Banach, A. man of
J. Rajkumar

Advocate for the Respondat:- *Rey Counsel*

Notes of the Registry	date	Order of the Tribunal
<p>Application is in form but not in time</p> <p>Application is not filed / not filed C.F.</p> <p>For Rs. 20 deposited</p> <p>Id. IPO No. 336387431</p> <p>Dated 16/12/03</p> <p>1/12/03</p> <p>19.12.03</p> <p>order Respondents</p> <p>12-1-04</p> <p>H.F.R.Y / MLH</p> <p>of The budget has sent to the Office for the rule to the by 1088.</p>	<p>22.12.2003</p> <p>nkm</p>	<p>Present: Hon'ble Mr B. Panigrahi, Vice-Chairman</p> <p>Hon'ble Mr K.V. Prahaladan Administrative Member</p> <p>Heard Mr D.P. Chaliha, learned counsel for the applicant and Dr M.C. Sarma, learned Railway Counsel. The application is disposed of in the admission stage itself as per order contained in separate sheets.</p> <p>Member</p> <p>Vice-Chairman</p>

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~R.A.~~No. 1111 290 of 2003

DATE OF DECISION 22.12.2003

Md. Ashif Alam

.....APPLICANT(S).

Mr D.P. Chaliha, Mr A. Mannaf and
Mr H.G. Baruah

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

-VERSUS-

The Union of India and others

.....RESPONDENT(S)

Dr M.C. Sarma, Railway Counsel

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

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

THE HON'BLE MR K.V. PRAHALADAN, 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

u

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.290 of 2003

Date of decision: This the 22nd day of December 2003
(At Admission Stage)

The Hon'ble Mr Justice B. Panigrahi, Vice-Chairman

The Hon'ble Mr K.V. Prahaladan, Administrative Member

Md. Ashif Alam

S/o Late Tayab Ali,
Garigaon, Guwahati-12.

.....Applicant

By Advocates Mr D.P. Chaliha,
Mr A. Mannaf and Mr H.G. Baruah.

- versus -

1. The Union of India, represented by the
Chief General Manager,
N.F. Railway,
Maligaon, Guwahati.

2. The Chief Security Commissioner,
N.F. Railway,
Maligaon, Guwahati.

.....Respondents

By Advocate Dr M.C. Sarma, Railway Counsel.

.....

O R D E R (ORAL)

PANIGRAHI. J. (V.C.)

B


In this application the applicant's father was working as a Driver in the Railway Protection Force. During his incumbency he seriously fell ill and finally expired on 14.9.2001 leaving behind the applicant as his dependent^{or} and also his widow. During the lifetime of Tayab Ali he made a prayer before the authorities to give a compassionate appointment in favour of the applicant. Even after the death of Tayab Ali, when there was no response from the respondents the applicant renewed his prayer for being appointed in any Group 'D' post as he was the


adopted son of Tayab Ali. The respondents did not react upon such application. Therefore, this case has been filed for an appropriate direction.

2. The applicant, in favour of his claiming adoption has filed a registered Deed of Adoption. It is not in dispute that the parties are Muslim. Therefore, in Muslim Law the question of adoption does not arise. The only question that could survive for our consideration is as to whether at the time of death of Tayab Ali the applicant was his dependent or not, or whether the applicant succeeded to the estate of Tayab Ali. For the aforesaid reason unless and until the applicant obtains a succession certificate, the respondents, therefore, could not take any action since there was no provision for adoption under Islamic Law.

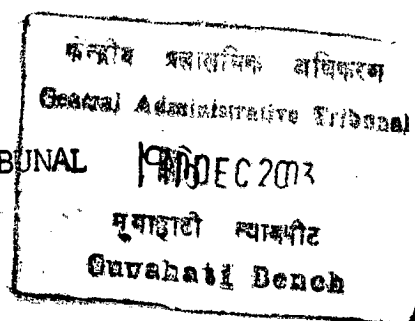
3. In that view of the matter we, therefore, direct the applicant to obtain a Succession Certificate from the appropriate authority and after such certificate being obtained the respondents shall thereafter take appropriate steps for considering the applicant's case to be appointed in Group 'D' post.

With the above direction the application is accordingly disposed of.


(K. V. PRAHALADAN)
ADMINISTRATIVE MEMBER


(B. PANIGRAHI)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.



O.A. No. 290 / 2003

Md. Ashif Alam Applicant

Vs

Union of India & Ors Respondents

Lists of dates and synopsis of the case

<u>Date</u>	<u>Synopsis of particulars in the application</u>
12.6.99	Applicant's father fall seriously ill.
14.9.2001	Applicant's father was died.
9.12.2000	Representation by Applicant's father to the Chief Security Commissioner requesting for appointment of his son. (ANNEXURE-A)
1995	Applicant has passed H.S.L.C (ANNEXURE-B 1)
1997	Applicant has passed H.S. (ANNEXURE-B 2)
7.1.03	Applicant was informed by letter issued by the Security Commissioner to attend the office.
8.1.03	Applicant was asked to furnish all original certificate in the office of the Chief Security Commissioner.
4.7.2000	Applicant learned that his case was processed in file No. E/3/F-Pt-IV.
8.9.92	Registered Deed of adoption (ANNEXURE-B).
13.12.03	Gaon Burah's certificate, certifying the applicant's father as permanent resident of his village (ANNEXURE-B 3)

Filed by:-

Abdul Mannaf.
Advocate

18-12-03

Dist : Kamrup.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH.

ORIGINAL APPLICATION NO. 290 /03

Md. Ashif Alam

..... Petitioner/Applicant

- Vs -

Union of India & Ors.

..... Respondents

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6.	Annexure-B ² -----	14
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Filed by :

Abdul Mannaf

Advocate

18-12-03

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH AT GUWAHATI.

(An application under Section 19 of the Administrative
Tribunal Act 1985).

O.A. No. 290 / 2003.

BETWEEN

MD.Ashif Alam ,

Son of late Tayab Ali, Garigaon, Guwahati-12.

Dist-Kamrup, Assam.

...Applicant.

Versus

1. The Union of India , represented by the
Chief General Manager, N.F.Railway, Maligaon,
Guwahati.

2. The Chief Security Commissioner, N.F.Railway,
Maligaon, Guwahati.

...Respondents.

1. DETAILS OF THE APPLICATION:

Particulars of the order against which the Application is
made.

This application is made on refusal to consider the
applicant for compassionate appointment as Group(D) employee
on death of his father.

2. JURISDICTION OF THE TRIBUNAL :

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 :

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

That the Applicant's father Tayab Ali was a Group(D) employee
working in the N.F.Railway Protection force and was working
in the ...

....2....

8
Filed by the Applicant.
Md. Ashif Alam
Through Abdul Mannan (Adv)

9

- 2 -

Railway protection office and was working in the Pandu unit of the R.P.F. at the time of his death. While in active service the father of the applicant fall seriously ill and since 12-6-99 he was compelled to out of service due to Medical Advice. He become paralytic on his left side of the Body and had to be confined to bed till his death on 14-9-2001.

412 That since the father of the applicant became invalid and was unable to attend office since 12-6-99, he by his application dtd 9-12-2000 addressed to the Chief Security Commissioner requested for appointment of his son, the applicant, in a Group (D) post on compassionate ground.

A copy of the application dtd 9-11-2000 is annexed herewith and marked as Annexure-A.

413 That the applicant is qualified for a group D post in the Railways. He passed the Higher Secondary Examination from Jalukbari H.S. School in the year 1997. He passed the H.S.L.C. Examination in 1995 from the same institution. That presently the petitioner is studying in the degree course and has passed the part (I) Examination.

414 That as in the mean time the father of the applicant died on 14-9-2001. The applicant informed the Respondent No. 2 about the same and submitted all the documents as asked for by the Respondents for consideration of the case of the applicant for compassionate appointment. The applicant was informed that his prayer for compassionate appointed will be process and final action will be taken thereon.

Contd/-

Contd/-

Md. Ashif Alam

10

- 3 -

4.5 That on 7-1-03 the applicant was informed by letter to attend the office of Respondent 2 and furnish all original certificate in his office on 8-1-03. Accordingly applicant attended the office of the Respondent No. 2 and furnish all the original document for verification. The applicant further learned that his case was process in file No. E/3/F-Pt-IV dtd 4-7-2000 and the same was sent to the Respondent No. 2 for final decision.

4.6 That the applicant was adopted by Late Tayab Ali by a registered deed of adoption on 8 day of September 1992 and Since the date of the registration of the deed the applicant is living with his parents as their son. The applicant pursued his studies as son of Late Tayab Ali and he is recognized as such by all in the society. The Gaon Burah of the Garigaon Village by a certificate dtd. 13-12-03 have certified that the applicant son of Late Tayab Ali is a permanent resident of his village.

A copy of the registered deed dtd. 8-9-92, the certificate furnished by the School for H.S.L.C. and H.S. Examination and the certificate issued by Gaon Burah are annexed herewith and marked as Annexure-B, B¹, B², B³ respectively. ^{Senior}

4.7 That on the death of the father of the applicant the retirement benefits like the gratuity, provident fund and family pension have been paid to the mother of the applicant, the wife of the deceased employee and since she has received the family pension she requested the authorities to provide a group (D) post to her son on compassionate ground.

Md. Asif Alam

4pi8 That the applicant on enquiry come to know that the son of the elder brother of the ex-employee Tayab Ali has approached the Respondents and claim a post on compassionate ground.

4pi9 That the appointment on compassionate ground under the Central Govt. is guided by a Scheme wherein the object and eligibility for appointment are provided therein. The Scheme provides that the dependent of a family member of the Govt. servant who dies in service is entitled to compassionate appointment. It further states that:

- (a) Spouse or
- (b) Son (including adopted son) or
- (c) Daughter (including adopted daughter) or
- (d) Brother or sister (in the case of unmarried Govt. servant who are wholly dependent on the Govt. servant at the time of his death.

4pi10 That the Scheme categorically provides for appointment of the categories of person as mentioned above only on compassionate ground. The objection if any filed by the Son's of the elder brother of the deceased employee is therefore not covered under the provisions of the scheme.

A copy of the Scheme of compassionate appointed issued the Department of personal and training Ministry of personal, public Grievances and pensions Govt. of India in 1998 is annexed herewith and marked as Annexure - C.

- 4.12 - That this application is made bonafide and for the ends of justice .

5. GROUND FOR RELIEF :

5.1 - That the prayer of the applicant for appointment on compassionate ground inspite of the specific direction in the Scheme is bad in law .

5.2 - That the case of the applicant was processed in File No.E/3/F-Pt-IV dtd. 4.7.2000 and the same was sent to the Chief Security Commissioner (Respondent no.2) for final decision but no steps has been taken till now for the appointment of the applicant which is arbitrary and illegal.

5.3 - That the applicant has appeared before the Respondent Authorities for verification of the documents in original on 8.1.03, but yet nothing has been done by the Respondents which amounts to gross inaction and in violation of the Scheme for compassionate appointments.

6. REMEDIES EXHAUSTED :

The applicant declares that he has no other alternative remedies except by way of filing the application before the Hon'ble Tribunal.

7. Matter not previously filed or pending before any other court.

The applicant further declares that he has not filed any application , writ petition or any suit regarding the subject matter in respect of which this application has been made before this Hon'ble Tribunal in any such application or writ petition is pending before any of them.

8. RELIEF SOUGHT FOR :

In view of the facts mentioned in para 6 above the applicants prays for the following relief :

It is prayed that the Respondents be directed to appoint the applicant in a group (D) post on compassionate grounds , the applicant is seeking the relief on the basis of the scheme of the Central Govt. with regard to

Md. Ashif Alam

compassionate appointment as specified in sub-para 4.11 of Para 4

9. INTERIM RELIEF PRAYED FOR :

During the pendency of the application, the applicant prays for the interim relief .

That the respondents be directed ~~that~~ not to make any appointment on compassionate ground in the post caused on death of Tayab Ali.

10. That this application is filed through an Advocate.

11. Particulars of the postal order :

- i) I.P.O. No - 116 3874 31
- ii) DATE - *Gurwahati* 16.12.03
- iii) Place - *Gurwahati*

12. LIST OF ENCLOSURES :

- i) Annexure A - letter dtd - 9.11.2000
- ii) Annexure B - Registered dtd. 8th day of September 1992
- iii) Annexure B¹ - Certificate dtd. 30.6.95 along with admit card.
- iv) Annexure B² - Certificate dtd. 23.6.97
- v) Annexure B³ - Certificate dtd. 13.12.03.
- vi) Annexure C - Scheme of compassionate appointment.

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7

Verification

I, Ashif Alam, son of Late Tayab Ali aged about 24 years resident of Vill - Garigaon, by profession unemployed do hereby verify that the contents from paragraph 1 to 12 are true to my personal knowledge and belief and that I have not supposed any material facts.

Md. Ashif Alam

Signature of the Applicant

Place: Guwahati.

Date: 18-12-03.

Annexure-A

To,

The Chief Security Commissioner,
N.F. Rly. Maligaon.

Sub: Pray to appoint my son.

Hon'ble Sir,

With due respect I beg to state that I was an employee of N.F. Rly. Maligaon. I was very active on my duty and fully enjoyed it. But very unfortunately, I feel ill due to paralysis. Therefore, inspite of having been interest on my duty, physical unfitness compelled me to leave my job before usual retirement.

Sir, I would like to inform you that I have a son named Md. Ashif Alam. He has passed H.S.S.L.C. in 1997. As per his good physic, he is suitable for any kind of group 'C' Category job in Rly.

Kindly request you to appoint him in a suitable post as per his qualification, which will be noble help to me.

I will be highly obliged to you for this act of your kindness.

Thanking you in anticipation.

Yours faithfully,

(Tayab Ali)

*certified to be true copy
19/12/09
Adv.*

DEED OF ADOPTION

THIS DEED OF ADOPTION MADE ON THIS 8TH DAY OF SEPTEMBER /1992.

- B E T W E E N -

Tayab Ali, S/O. Late Pulin Sha, By Profession- Service By Caste- Muslim, Resident of Vill- Garigaon, P.S. Jalukbari, P.O. Garigaon in the District of Kamrup, Assam, herein- after called the Adoptor on the ONE PART.

- A N D -

Ashif Alam, S/O. Md. Akash Ali, Aged about -13 Years, By Caste - Muslim, By Profession-Student, Resident of Village- Garigaon P.S. Jalukbari P.O. Garigaon, in the District of Kamrup, Assam, hereinafter called the Adoptee on the OTHER PART.

WHEREAS the 1st Party is issueless and he is a Govt. employee and the 2nd Party who is a minor and the 1st Party requested the father of the 2nd Party to give him the 2nd Party to take as his adapted son.

- A N D -

WHEREAS on the request of the 1st Party the father of the minor son has given him without seeking any benefit from the 1st Party to adopt the said son and the 2nd Party has accepted the 2nd Party as his adapted son on the following.

Certified to be true copy
17/12/03
Adv.

- 1) That the 1st Party shall treat the 2nd Party as his only son and all the fooding and lodging shall be provided to him.
- 2) That the 2nd Party shall educate the 2nd Party bearing all costs and expenditures.
- 3) That the 2nd Party shall inherit the 1st Party as his son and he shall be entitled to all properties of the 1st Party.
- 4) That except the 2nd Party no one shall be entitled to inherit the properties of the 1st Party and if somebody claims shall be null and void.
- 5) That the 2nd Party shall always treat the 1st Party as his own father till death of 1st Party.

In witnesses whereof the 1st Party puts his hands on this 8th day of September/ 1992 at Guwahati.

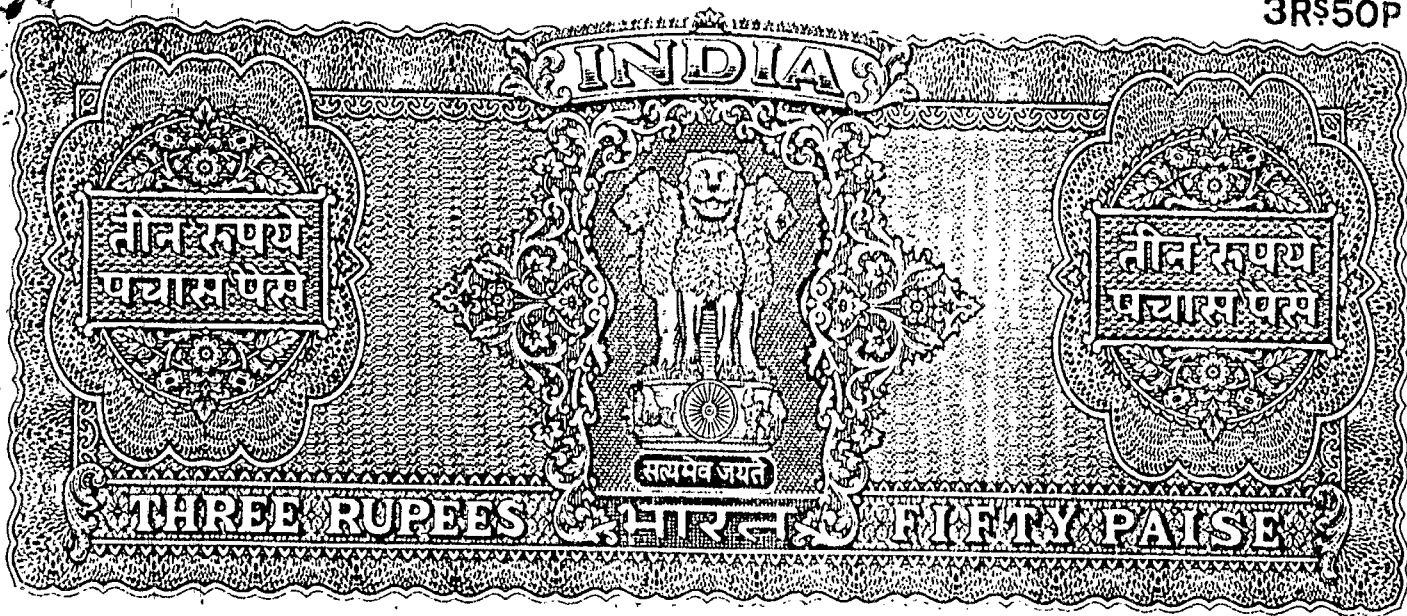
SIGNATURE OF THE 1ST PARTY

Witness:

1.

2.

SIGNATURE OF THE 2ND PARTY



Stamp Act. 1892 (Amended 1984)
Assam Amendment Act. 1984

C(2) 30/2

Edy J. Surma
8/9/92

DEED NO 57
AT RA. 60/-

DEED OF ADOPTION

THIS DEED of Adoption made on this 8th day of
S E P T E M B E R / 1992.

--- B E T W E E N ---

Tayab Ali, S/O - Late Pulin Sha, By Profession - Services
By Caste - Muslim, Resident of Vill- Garigaon, P.S. - Jalukbari,
P.O.- Garigaon in the District of Kamrup, Assam herein- after
called the Adoptor on the O N E P A R T .

--- A N D ---

Ashif Alam, S/O M. Akash Ali, Aged about -13 Years, By
Caste - Muslim, By Profession - Student, Resident of Village -
Garigaon, P.S. - Jalukbari, P.O.- Garigaon, in the District of
Kamrup, Assam, hereinafter called the Adoptee on the OTHER PART.

//HEREAS the 1st Party is issueless and he is a Govt.
employee and the 2nd Party who is a minor and the 1st Party
requested the father of the 2nd Party to give him the 2nd Party
to take as his adopted son.

certified to be true copy
18/12/03
Adv.



— 108 —

— 2 —

REGISTERED IN THE COURT

U. Sub-Registrar, Guntur
Date: 10/7/92

— A N D —

*Call Alkash Al
M. V. 610-610*

WHEREAS on the request of the 1st Party the father of the minor son has given him without seeking any benefit from the 1st Party to adopt the said son and the 2nd Party has accepted the 2nd Party as his adopted son on the following :

- 1) That the 1st Party shall treat the 2nd Party as his only son and all the fooding and lodging shall be provided to him.
- 2) That the 2nd Party shall educate the 2nd Party bearing all costs and expenditures.
- 3) That the 2nd Party shall inherit the 1st Party as his son and he shall be entitled to all properties of the 1st Party.
- 4) That except the 2nd Party no one shall be entitled to inherit the properties of the 1st Party and if somebody claims shall be null and void.

Contd — 3/p

[Handwritten signature]

5) That the 2nd Party shall always treat the 1st Party as his own father till death of 1st Party.

In //witnesses //hereof the 1st Party puts his hands on this 8th day of September / 1992 at GUWAHATI.

শ্রী (২: টুইব-বোকা)-

Witness :

1. Ed. L. A. Hartman, Jr.

2.

Edw. L. Smith
A. L. Smith

SIGNATURE OF THE 2ND PARTY

SIGNATURE OF THE 2ND PARTY
(father of the minor)
Sd/ Akkash Ali

0-0-0

70/9/92

Office No.

111810



Annexure - B⁴ - series

21
Photograph

Board of Secondary Education, Assam, Guwahati

ADMIT

..... Md. Ashif Alam
Son/daughter of Md. Toyab Ali
Roll N 5 269 No 10
To the High School Leaving Certificate Examination,
1995 to commence on Wednesday, the 15th March, 1995.

His/Her Date of Birth is ... 01-7-79 ...

Subjects for Examination :—

MIL or its alternative		Elective
AS7		J4

Note :—Hours of Examination :— { Morning —From 9 a.m. to 12 noon
Afternoon—From 1-30 p.m. to 4-30 p.m.

N.B.—Any alteration made in the entries on this Admit Card without the authority of the Board renders the candidate liable to disqualification for sitting at this or any subsequent Examinations.

Counter signed

Officer-in-charge

Asstt. Officer-in-charge

(Office Seal) HSLC

Centre.....

Sd/- B. C. Goswami

Controller of Examinations,
Board of Secondary Education, Assam
Guwahati-21

Certified to be true copy
JMA 17/12/83

Board of Secondary Education, Assam



High School Leaving Certificate Examination 1995

Results announced on: 30.06.95

This is to certify that Md Ashrf Alam

Roll N5-269 No: 10 has duly passed the High School Leaving Certificate Examination, 1995 of this Board and is placed in the Third Division.

His/Her date of birth is 01-07-79

032858 ✓

GUWAHATI
ASSAM

certified to be true copy
AMR 18/12/03
Atv.

[Signature]
REGISTRAR II

[Signature]

BALENDRA KUMAR DAS
SECRETARY

Office of the
PRINCIPAL, JALUKBARI H. S. SCHOOL

P. O. GAUHATI-14
DIST, KAMRUP (ASSAM)

Book No...5.....

C.No.....305.....
Date...23/6/97...

Provisional Certificate

Certified that Sri/Md/Miss Ashif Alam
..... appeared in the First Year/H. S. Test/H. S. Examination
in 1997 as a Regular/Private Candidate bearing Roll 552. No A 383.
from Jalukbari Higher Secondary School and had/had not passed the said
examination in III (Chired) Division.

His/her character and conduct have been found good.

I wish him/her every success in life.

Subjects of the said examination he/she
appeared Core subject—

- 1) English ii) MIL Assamese

Elective subjects

- 1) Ece.

- 2) P.Sc.

- 3) Ad. As.

Additional subject

- 1) Edu.

- 2)

26/3

Principal
Jalukbari Higher Secondary
School
Gauhati-14
Dist. Kamrup

certified to be true copy
18/12/09 Adv.

Annexure - B³

Lat No. 1,2,3,

Sl. No. 385

Dtd. 13-12-03

CERTIFICATE

It is hereby certified that Sri Ashif Alam S/O. Late Tayab Ali is permanent inhabitant of Dehan Garigaon of Jalukbari, Mouza under Jalukbari Police Station.

I wish him success.

Sd/-

Md. Alauddin Ali
Goan Burah
Garigaon, Fencipara
Guwahati-12.

certified to be true copy
12/12/03
Adv.



সংসদৰ দ্বাৰা

প্ৰমাণ পত্ৰ

✓ প্ৰমাণ পত্ৰ দিয়া হ'ল যে, জালুকবাৰী থানাৰ অন্তৰ্গত জালুকবাৰী মৌজাৰ
দেহান গাড়ীগাওঁ, কছাৰী গাড়ীগাওঁ, সদীলাপুৰ, পশ্চিম জালুকবাৰী, উত্তৰ
জালুকবাৰী, মাজ জালুকবাৰীৰ শ্ৰী/মঃ আলাউদ্দিন আলী
পিতা শ্ৰী/মঃ হুত তাম্ব আলী মোৰ
এলেকাৰ স্থায়ী লোক হয়।

তেখেতৰ উজ্জ্বল ভৱিষ্যত কামনা কৰিলোঁ।

(মঃ আলাউদ্দিন আলী)

গাওঁবুঢ়া

গাড়ীগাওঁ ফেঞ্চিপাৰা

গুৱাহাটী- ১২

certified to be true copy
18/12/03
Adv.

Annexure - C

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 of the CCS (Medical Examination Rules 1957 of the corresponding provision in the Central Civil service regulation before attaining the age of 55 years (57 years for group "D" Govt. 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.1 "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.

Certified to be true copy
AMM: P
13/12/07 Adv.