

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 242/06

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SECTION OFFICER (Judl.)

Hehta
26.10.17

FROM NO. 4
(SEE RULE 24)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 242/06
2. Mice Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(S) K. Amarjit Singh

Respondant(S) U. O. I Govt

Advocate for the Applicant(S) Dr. N.K. Singh

Indrajit Mishra
Miss G. Das

Advocate for the Respondant(S) Dr. C. B. Das

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|-----------|--|
| | 20.9.2006 | Present: The Hon'ble Shri K.V. Sachidanandan Vice-Chairman. |

286924287
18/9/06.

Heath

Dr.

19.9.06

Steps taken w

Dilth.

Steps taken for
resp. nos-2 to 5.

(Das)
21/9/06

Notice & order sent
to D/section for
issuing to resp.
nos. 2 to 5 by reg.
A/D post.

(Das)
9/10/06. D/No- 1021 to 1024
Dt. = 10/10/06.

The claim of the applicant is for
compassionate appointment. His father
died on 4.11.1999. He made an
application for compassionate
appointment on 29.12.1999. When there
was no response he approach the Hon'ble
High Court by way of W.P. (C) No.1609 of
2003 and as per the direction of the
High Court this present original
application has been filed before this
Tribunal, which has got competent
jurisdiction.

Heard Dr. N.K. Singh, learned counsel
for the applicant and Ms. U. Das, learned
C.G.S.C. for the respondents.

Issue notice to the respondents.
Four weeks time is granted to the
respondents to file reply statement.

Post on 9.11.2006

Vice-Chairman

(2)

O.A. 242/2006

9.11.2006

Considering the issue involved

① Service report
awaited.

by
8.11.06.

Plag 'A' may rightly be
seen. Chief Engr. PWD,
Manipur, Report no. 4
requested to adjourn the
case for 15 days and also
requested to inform by Fax.
Placed before the Court.
In order.

bb

by
8.11.06
co.

06.12.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice - Chairman.

Dr. N.K. Singh, learned Counsel for
the Applicant submitted that the matter
may be posted on first week of January,
2007. Post on 02.01.2007.

Vice-Chairman

/mb/

13.11.06
W/s submitted
by the Respondent Nos.
1 to 3.

by
13.11.06

Notice duly
served on

R-5.

Co

15/11

No rejoinder has
been filed.

by
15.12.06.

5-12-06
10 AS from R.no. 4 & 5.

by

Notes of the Registry

Date

Order of the Tribunal

May kindly seen
at flag's.

The letter dated
8.11.06 ^{at flag's} received from
the Chief Engineer, P.W.D.,
Manipur on 16.11.06,
regarding O.A. 242/06.

In O.A. 242/06 the Hon'ble
Court passed an order
on 29.09.06 for two weeks
time granted to the
Respondents to file reply
statements and fix-ed on
9-11-06. But the Respondent
No. 1, Chief Engineer, P.W.D.

Manipur received the ^{where}
^{along with} Court's order only on 20.10.06.

So, he was not in a position
to contact the standing Counsel
for conducting the case by filing
written statement in time.

Therefore, he requested
to the Registry to place matter
before the Hon'ble Court to
grant another 15 day time
for filing the reply statement
and also requested to inform
him by FAX.

Laid before the Hon'ble
V.C. for further orders.

Shri
16/11/06

Shri
16.11.06.
Section Officer

Hon'ble

O.A. No. _____/

Notes of the Registry

Date

Order of the Tribunal

3

Notes of the Registry

Date

Order of the Tribunal

8.12.06

W/s filed by the

Respondent Nos. 4 & 5,

[Signature]

No rejoinder has been
filed.

[Signature]
17.1.07.

26-2-07

W/s filed.
la.

23-3-07

No rejoinder has been
filed.

NS
13.3.07

No rejoinder has
been filed.

[Signature]
16.5.07.

No rejoinder has
been filed.

[Signature]
7.6.07.

Rejoinder not filed.

[Signature]
2.7.07.

18.1.2007

Post the case on 19.02.2007 along with
the M.P.

[Signature]
Vice-Chairman

/bg/

27.2.07.

Counsel for the applicant
prays for further time to file
rejoinder. Four weeks time is granted
to file rejoinder. Post the matter
on 14.3.07.

[Signature]
Member

Vice-Chairman

lm

14.3.2007

Post on 24.04.2007 for filing of
rejoinder. It is made clear that no further
opportunity will be given to the Applicant
to file rejoinder.

[Signature]
Member

[Signature]
Vice-Chairman

/bb/

17.5.07.

Counsel for the respondents has sub-
mitted that she has filed the written state-
ment. Three weeks further time is granted
to file rejoinder if any. Post the matter
on 8.6.07.

[Signature]
Vice-Chairman

lm

8.6.07.

Counsel for the Respondents has submi-
tted that the case is ready for hearing.
Post the matter for hearing on 3.7.07.

[Signature]
Vice-Chairman

lm

SA 242/06

4.

Notes of the Registry

Date

Order of the Tribunal

3.7.2007

None for the Applicant. Let the be posted on 11.7.2007.

Rejoinder not filed

bb/
10.7.07

Vice-Chairman

11.7.2007

Learned counsel for the Applicant is not present today also. Let the case be posted on ~~23.7.2007~~ 23.7.2007. It is made clear that if the Applicant is not appearing on that day the matter will be decided in his absence.

Rejoinder not filed

bb/
20.7.07

Vice-Chairman

23.7.07 Pass over for the day

Vice-Chairman

lm

24.7.07.

When the matter came up for hearing, the counsel for the applicant has submitted that as per Annexure 8 of the reply statement he has brought on record that 13 persons have already been considered by the respondents on compassionate appointment Scheme (Annexure "1") dated 10.06.1999 on different consideration like Movable/Immovable property family Pension etc. by the Committee.

I have heard Dr. N. K. Singh learned counsel for the applicant and Ms. U. Das learned Addl. C. G. S. C. for the Respondents.

In the light of the said pleadings

O.A. 242/06

CX

24.7.07. When the matter came up for hearing, the counsel for the applicant has submitted that as per Annexure 8 of the reply statement he has brought on record that 13 persons have already been considered by the respondents on compassionate appointment Scheme (Annexure 1) dated 10.06.1999 on different consideration like Movable/Immovable property family Pension etc. by the Committee.

I have heard Dr. N. K. Singh learned counsel for the applicant and Ms. U. Das learned Addl. C. G. S. C. for the Respondents.

In the light of the said pleadings the counsel for the applicant has submitted that he may be permitted to withdraw the matter. Accordingly, he is permitted to withdraw the O.A. The O.A. is dismissed as withdrawn.

Vice-Chairman

lm

Received
Libha Das
Addl. C. G. S. C.
31/7/07

31.7.07
Copy of the
order has been
sent to the office
for issuing the order
to the applicant
by post.
H.S.

[Signature]

पुत्राहाटी न्यायालय

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

O. A. 242 / 2006

Shri K. Amarjit Singh

-Versus-

Union of India & Others

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Filed by -

Julity Mahua
(Advocate)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

O. A. 242 / 2006

**Shri K. Amarjit Singh
-Versus-
Union of India & Others**

SYNOPSIS OF THE CASE

This is an application U/S 19 of the CAT Act praying for issuance of a direction to the respondents to consider the case of the applicant on compassionate ground. The applicant's father Sri K. Megoo @ Megha Singh was working as Senior Divisional Accountant in the office of P.W.D., Imphal East Division, Manipur. The applicant's father was a regular employee under the respondents. The applicant's father died on 4-11-1999. The applicant is the eldest son of the family. The applicant has passed the S.S.L.C. examination in year 1995 and B.A. examination, 2001. The applicant is suitable to be appointed in any post under the respondents. There is no any other source of income. As the applicant is the eldest member of the family, the burden of maintaining family has shifted to him. An application dated 4-12-1999 was filed before respondents and the same is pending. The Senior Account Officer, Meghalaya issued a letter dated 31-1-2000 to the establishment officer, Accountant General (A&E) Meghalaya for consideration of appointment of the applicant on the compassionate ground. Thereafter the applicant filed an application dated 12-4-2000 for appointment on compassionate ground. The applicant's mother also filed a representation on 5-4-2003 to the respondents for appointment on compassionate ground. The senior Deputy Accountant General (Adm.) issued letter dated 3-9-2003 stating inter-alia, that the application cannot be acceded. Hence this application before this Hon'ble Tribunal for a direction to the respondents to appoint the applicant on compassionate ground.

Filed by -

Jalily Mahu
(Advocate)

5. The Executive Engineer, Imphal
East Division, P.W.D. Manipur,

-----Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF ORDER AGAINST WHICH APPLICATION IS MADE:

This Original Application is directed against the non-consideration of the applicant's case for appointment on compassionate ground.

2. JURISDICTION OF THE TRIBUNAL :

The Guwahati Bench of the Hon'ble Tribunal has the jurisdiction to decide this case.

3. LIMITATION :

This application is filed within the limitation prescribed under Section 21 of the Central Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :

- 4.1. That the present applicant is a law abiding citizen of India and a permanent resident of Khoyathong Polem Leikal, P.S. Lamphel under Imphal West District, Manipur and he is entitled to all the benefits, privileges and other legal rights as enshrined in the Constitution of India and other laws for the time being in force in the country.
- 4.2. That, the present applicant is the eldest son of deceased Koljam Megho @ Megha Singh, Ex-Senior Divisional Accounts

K Anasjit Singh

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Officer (Sr. D.A.O.) Imphal East Division, P.W.D. Manipur. During the life time of deceased K. Megha Singh, he was posted and utilised as Senior Divisional Accounts Officer (Sr. D.A.O.) in the office of the Executive Engineer, Imphal East Division, P.W.D., Manipur and he was a regular employee of the Accountant General (A & E), Meghalaya, Shillong. However, he was posted and serving in the Office of the Accountant General, Manipur first before he posted in the Office of the E.E., Imphal East Division, P.W.D. Manipur. The applicant's father expired untimely while in service on 4th November, 1999 (4-11-1999) leaving behind his widow, 4 (four) sons and 1 (one) daughter, including the present ^{applicant} petitioner as his legal heirs in this wide world.

The true copy of the death certificate of
Kojam Megho @ Megha Singh is
enclosed herewith as Annexure- A/1.

- 4.3. That, the Executive Engineer, Imphal East Division, P.W.D. Manipur forwarded a letter vide No. IE/E-2/99-2000/824 dated 10th February, 2000 to the Superintending Engineer (H&E), PWD Manipur requesting for issuing the service termination order in respect of the deceased Govt. servant K. Megho Singh, Ex- Sr D.A.O who expired on 4-11-1999 while in service.

The true copy of the forwarding letter of
the E.E. Imphal East Divn, PWD, Manipur
dated 10-2-2000 is enclosed herewith as
Annexure - A/ 2.

- 4.4. That, the applicant passed the (I) High School Leaving Certificate Examination in the year 1995 in the 3rd Division

K Anandjit Singh

from Adimjati Little English School conducted by the Board of Secondary Education, Manipur, (II) passed the Higher Secondary (Arts) Examination in the year 1997 in the 2nd Division from Manglemnganbi College, Ningthoukhong, conducted by the Council of Higher Secondary Education, Manipur and (III) also passed B.A. 3rd Year Examination in the year 2001 in the 2nd Division from D.M. College of Arts, Imphal conducted by the Manipur University, Canchipur.

The true copy of the certificate of passing B.A. 3rd Year Examination, 2001 of the applicant is enclosed herewith as Annexure- A/3.

4.5. That during the life time of the deceased Koljam Megho @ Meghal Singh, leaving behind 6 (six) members who are his widow, 4(four) sons (including the present applicant) and 1(one) daughter as his legal heirs. He was survived by the following :-

| Sl. No | Name | Age | Sex | Relationship to the deceased | Occupatio qualificati- |
|--------|-----------------------------------|--------|--------|------------------------------|------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | Smti Koiijam Ongbi Mikoisana Devi | 52 yrs | Female | Wife | Housewife |
| 2. | K. Amarjit Singh | 23 yrs | Male | Son | Gradua |
| 3. | K. Vikramjit Singh | 21 yrs | Male | Son | Student |
| 4. | K. Bishorjit Singh | 20 yrs | Male | Son | Student |
| 5. | K. Bijoulata Devi | 19 yrs | Female | Daughter | Stude |
| 6. | K. Lalitjit Singh | 18 yrs | Male | Son | Stude |

K Amarjit Singh

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4.6. That, the legal heirs/ dependents of the deceased Koljam Megho @ Megha Singh , Ex- Senior Divisional Accounts Officer (Sr. D.A.O.) Imphal East Division, P.W.D. Manipur have nominated Sri Koljam Amarjit Singh (the present applicant) as a candidate for appointment on compassionate ground to any suitable post commensurate with his educational qualification under the Die-in-harness Scheme and as such they have Issued a No-objection Certificate on 29-12-1999.

The true copy of the said No-objection certificate dated 29-12-1999 is enclosed herewith as Annexure -A/4.

4.7. That the deceased Koljam Megho @ Megha Singh, was the only sole bread earner of his family and on the sudden and untimely death, his family members have been left in indigent circumstances. Therefore, the widow of the deceased (mother of the present applicant) submitted a humble representation on 29-12-1999 by enclosing all the relevant documents along with the duly filled in proforma to the Accountant General (A & E) Meghalaya, Shillong through the Executive Engineer, Imphal East Division , P.W.D. Manipur requesting for compassionate appointment of her eldest son K. Amarjit Singh to any suitable post under the Die-in-harness scheme as admissible under the Rules in respect of the untimely expiry of the sole bread earner K. Megho @ Megha Singh.

The true & extract copy of the Humble Representation dated 29-12-1999 is enclosed herewith as Annexure A/5.

K. Amarjit Singh

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4.8. That, the Sr. Accounts Officer (D.A. Cell) Meghalaya Shillong forwarded a letter to the Establishment Officer, Office of the Accountant General (A & E) Meghalaya, Shillong vide Letter No. DACell/PC/KMS/1766, Shillong 31-1-2000 for appointment of Sri Koljam Amarjit Singh, eldest son of Late K. Megho Singh, Ex-Sr. D.A.O. on compassionate ground.

The true and extract copy of the forwarding letter of the Sr. Accounts Officer, D.A. Cell, dated 31-1-2000, is enclosed herewith as Annexure-A/6.

4.9. That on 3-3-2000 the Establishment Officer (M) forwarded a letter vide No. Estt.1(M)/PC/CG/AR/2000/3950 to Smt. K. Mikolsana Devi directed her to furnish an application form in plain paper seeking compassionate appointment from her eldest son Shri Koljam Amarjit Singh stating therein his name, age, educational qualification, relationship with the Govt. servant etc. duly signed by the candidate himself with reference to her application dated 29-12-1999. After receiving he said letter the present applicant Koljam Amarjit Singh submitted an application on 12-4-2000 to the Accountant General (A & E) Meghalaya Shillong for compassionate appointment by furnishing all the relevant particulars as mentioned in the letter dt. 3-3-2000 of the Establishment Officer (M).

The true copy of the forwarding letter dtd. 3-3-2000 and the humble representation of the applicant dt. 12-4-2000 are enclosed herewith as Annexure -A /7 and A/7 (Colly)

K Amarjit Singh

27

4.10. That the applicant's mother submitted another representation on 5-04-2003 to the Establishment Officer, Office of the Accountant General (A & E), Meghalaya, Shillong for appointment of her eldest son K. Amarjit Singh on compassionate ground to any suitable post in his esteem office so as to meet the financial hardships faced by the family members and the same was received on 7-4-2003 by the concerned Office, but unfortunately on 3-9-2003, the Sr. Deputy Accountant General (Admn) without considering the genuine grievances and humble prayer, issued a letter under Office Letter No. Estt.1/PC/CG/AR/ 2000/ 2620 to the applicant's mother Smt. K. Ongbi Mikolsana Devi informing her that the request for compassionate appointment of her son Shri Koljam Amarjit Singh (Present applicant) cannot be acceded to and thus the same is regretted. The said impugned letter/ order was issued by the Sr. Deputy Accountant General (Admn) without any reason and does not follow the Rules & Regulation of the dearness scheme. The said letter /order is totally illegal, improper and incorrectness. The Sr. Deputy Accountant General (Admn) issued the said letter arbitrarily and to be quashed.

The true copy of the representation of the applicant's mother dt. 5-4-2003 & letter of the Sr. Deputy Accountant General (Admn) dt. 3-9-2003 are enclosed herewith as Annexure A/8 and A/9.

K Amarjit Singh

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4.11. That the Respondents have not been taken up any action regarding the compassionate appointment of the present applicant under die-In-harness scheme till today without any proper reason. The applicant and his family members have been facing financial hardship and untold miseries since the expiry of the only sole earner of their family, Koljam Megho @ Megha Singh.

4.12. That being aggrieved by the annextion of the respondents for his appointment on compassionate ground under the die -in-harness scheme. The applicant filed W.P.(C) No. 1609/2003 before the Imphal Bench of the Hon'ble Gauhati High Court for appropriate direction. However, the applicant was advised to withdraw the above W.P.(C) No. 1609/2003 as the Hon'ble High Court had no jurisdiction to entertained the petition. The applicant move the Hon'ble High Court to allow him to withdraw the above Writ Petition and to approach the competent authority i.e. the Central Administrative Tribunal for appropriate relief. The Hon'ble High Court allowed the prayer of the applicant by order dated 12-06-2006.

Annexure A/10 is the copy of the above
order dated 12-6-2006.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1. For that annextion of respondents/ authorities in dealing with the applicant's case for compassionate appointment has caused undue hardship to the applicant and his family.

K. Anandjit Singh

5.2. For that the applicant has been discriminated in the matter and as such his right under Article 14 of the Constitution of India has been violated.

5.3. For that the respondents/ authorities failed to consider the applicant's case with sincerity and expeditiously as is required to be done under the principles of compassionate appointment.

5.4. For that the respondents acted in violation of applicant's statutory right.

6. DETAILS OF REMEDIES EXHAUSTED :

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

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

That the applicant declares that the matter regarding the application has been made is not pending before any court of law or any other authority or any bench of this Hon'ble Tribunal.

8. RELIEF SOUGHT FOR :

That under the above facts and circumstances the applicant prays for grant of the following relief :

That the respondents be directed to consider the case of the applicant for compassionate appointment at the earliest,

Setting aside the Order dated 9.9.2003.

J. Nishu

K. Amarjit Singh

9. INTERIM ORDER PRAYED FOR :

That the applicant does not pray for any interim order at this stage.

10. THIS APPLICATION IS FILED THROUGH ADVOCATE :

11. PARTICULARS OF IPO:

1. IPO No:
2. Issuing P.O. :
3. Date of Issue:
4. Payable at :

12. LIST OF ENCLOSURES :

As stated in Index.

K Anandjit Singh

VERIFICATION

I, Shri Koljam Amarjet Singh, aged about 23 years, S/O Late K. Megho @ Megha Singh of Khoyathong Polem Leikal, P.S. Imphal, District - Imphal West, Manipur, do hereby solemnly affirm and verify that the statements made in paragraphs No. 4:1..... are true to my knowledge, and those made in paragraphs Nos. 4:2, 4:3, 4:4, 4:5, 4:6, 4:7, 4:8, 4:9, 4:10, 4:11, 4:12.. are true to ^{records} my legal advise and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign this verification on this the 19th day of ^{Sept} August, 2006.

Date : 19.09.2006.

Place: Guwahati

K. Amarjet Singh

Signature

GOVERNMENT OF MANIPUR
DEPARTMENT OF IMPHAL MUNICIPAL COUNCIL

CERTIFICATE OF DEATH issued under section 12 of the Registration of Births and Deaths Act, 1969
issued under section 17 of the Registration of Births and 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 Imphal Municipal Council
of District Imphal West (local area) of Tehsil

Name Keijam Megha Singh
Sex male
Date of death 1-11-99 (Fourth day of November nineteen hundred and ninety nine)
Place of death ELMS
Name of Father/Mother LT. K. Manab Singh

Registration No. 26 (57) Nov 99
Date of Registration 24-11-99

Signature of Issuing Authority [Signature] 24/11/99

Seal Sub-Registrar
Date Birth & Deaths
Imphal Municipal Council

Chief Registrar
(Facsimile Signature)

Note:—In the case of death, no disclosure shall be made of particulars regarding the cause of death as entered in the Register see Proviso to Sub-section 17(1).

D/P&S—No. 1171/21-9-91—Medical Directorate—20,000-C/19-10-91.

TRUE COPY

ADVOCATE

Attested
J. Achin
(Advocate)

GOVERNMENT OF MANIPUR
PUBLIC WORKS DEPARTMENT

No.IE/E-3/99-2000/824

Imphal, the 10th Feb./2000.

To,

The Superintending Engineer, (HQ)
P.W.D., Manipour.

Sub: Request for termination of service (Late) K.
Megho Singh, Ex-Sr. Divisional Accounts
Officer of this division.

Sir,

I am to report that Shri K. Megho Singh, Ex.Sr.Divisional Accounts Officer of this division was expired on 4/11/99 (AN) you are requested to issue service termination order in respect of the deceased Govt. servant. This certificate is pressing hard by A.G. (A&E) Shillong, Meghalaya for immediate necessary action.

Yours faithfully,

Sd/-

(Kh. Mohori Singh)
Executive Engineer,

Imphal East Division, P.W.D., Manipur.

Encl.No.IE/E-16/99/2000/

Imphal, the 10th Feb./2000.

Copy to -

1. The Addl.Chief Engineer-II,
P.W.D., Manipur for favour of information.

2. The Superintending Engineer-II,
P.W.D., Manipur for favour of information.

(Kh. Mohori Singh)

Executive Engineer,

Imphal East Division, P.W.D., Manipur.

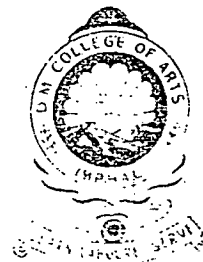
TRUE COPY

ADVOCATE

-14-

ANNEXURE-A/3

No. 940



GOVERNMENT OF MANIPUR
OFFICE OF THE PRINCIPAL
D. M. COLLEGE OF ARTS, IMPHAL

"PROVISIONAL CERTIFICATE"

THIS IS TO CERTIFY THAT

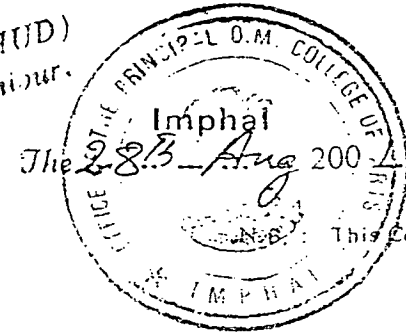
TRUE COPY
[Signature]
ADVOCATE

Attested.

[Signature]
9/7/03
Asstt. Director (MAHOD)
Government of Manipur.

Attested
U. N. N. N.
Advocate

Shri/Km. Koizam Amarjet Singh
Roll No. 840356 s/o, d/o Late Koizam Megho Singh
appeared at the T. D. C./B. A. 3rd yr Examination of
Manipur University held in the year 2001 and was declared to have passed the said
examination in Second Class division as per University Cross List/Result List
supplied to the College/College result list.



[Signature]
Principal
D. M. College of Arts, Imphal

Principal
D. M. College of Arts
Imphal.

This Certificate is not in lieu of the University Certificate which will be issued later by the

30

--: (15):--

ANNEXURE-A/4

31

No Objection Certificate
for Appointment under Die-in-harness Scheme

We, the dependent family members of late K. Megha Singh, Ex. Sr.DAO Imphal East Divn. P.W.D., Manipur have nominated Shri K. Amarjit Singh as a candidate under the scheme of Die-in-harness and we have no objection to his appointment to any suitable post under the scheme.

| S/No. | Name | Signature | Relationship with deceased Govt. servant |
|-------|-----------------------------|-----------|--|
| 1. | Koijam Ongbi Mikoisana Devi | Sd/- | Wife |
| 2. | K. Vikramjit Singh | Sd/- | Son |
| 3. | K. Bishorjit Singh | Sd/- | Son |
| 4. | K. Bijoulata Devi | Sd/- | Daughter |
| 5. | K. Lalijit Singh | Sd/- | Son |

Dated, Imphal,
the 29th Dec. '99.

Sd/-
Executive Engineer
Imphal East Divn. P.W.D.,
Manipur.

TRUE COPY

Nazima
ADVOCATE

Attested
J. Mohan
Advocate

12/12

-(15):-

ANNEXURE-A/5

To

The Accountant General (ARF)
Meghalaya Etc. Shillong.

Through the Executive Engineer,
Imphal East Division, P.W.D., Manipur.

Sub:- Request for compassionate appointment.

Sir,

I have the honour to state that while in serving as Senior Divisional Accounts Officer in the office of the Executive Engineer, Imphal East Division, P.W.D. Manipur. My husband K. Megho Singh expired on 4-11-1999. In this connection a Telegraphic message under Sndt. No.FE/E-28/99/687 dt.29-11-1999 was sent for your kind information.

That there is no Government servant in my family, Since my husband was the only bread earner, my family will be facing great financial problems in maintaining the family with the small monthly family pension to be received by me.

In the light of the above facts and the circumstances I most respectfully request you to be kind enough to appoint my eldest son Koijam Amerjit Singh Hr./Sec. Examination passed to a suitable post on compassionate ground as admissible under the rules.

In this connection, I am submitting herewith the prescribed proforma regarding employment of dependents of Govt. servants dying while in service after duly filled in along with its enclosures for your further necessary actions.

For such act of your kindness I shall ever remain grateful to you.

Enclosures: As stated above.

Yours faithfully,

Sd/-

(K.(O) Mikoisana Devi)

W/O Late K. Megho Singh,

Ex-Sr.D.A.O. I/East Divn. P.W.D.
Manipur.

Home Address:- Khoyathong Polem
Leikai, Imphal.

Dated, Imphal
The 29th Dec., 1999.

TRUE COPY

Nazim

ADVOCATE

Affested
J. Kishin
Advocate

...

Insurance).

N/A

-17-
--:(15):--

ANNEXURE-A/6

OFFICE OF THE ACCOUNTANT GENERAL: ARUNACHAL PRADESH
MIZORAM AND MEGHALAYA: ETC: SHILLONG

No.DA Cell/PC/MKS/1765 Dated Shillong, the 31/1/2000

.....

To

The Establishment Officer,
Office of the Accountant General (A&F)
Meghalaya, Shillong.

Subject:- Appointment on Compassionate Ground.

Sir,

I am to forward herewith the prayer for appointment on Compassionate Ground in favour of Shri Koijam Amarkit Singh (i.e. eldest son of Late K. Megho Singh Ex.Sr.D.A.O.) received from Smt.K.(O) Mikoisana Devi (wife of late K.M. Singh) Sr.D.A.O. under the administrative control of this office) along with all enclosures for further necessary action at your end.

Further it is stated that the aforesaid K.M. Singh (Ex.Sr.D.A.O./husband of Smt.K(O) Mikoisana Devi) expired on 4.11.99 as per death certificate duly enclosed.

Yours faithfully,

Sd/-

Encl: As stated above.

Sr.Accounts Officer(D.A.Cell)

.....

Memo No.DACell/PC/KMS/1766 dated Shillong the 31 JAN 2000

Copy to Smt.K(O) Mikoisana Devi W/O Late K. Megho Singh,
Khoyathong Polem, Imphal.

Sd/-

Sr. Accounts Officer.

TRUE COPY

Advocate
ADVOCATE

*Attested
J. N. N. N.
Advocate*

ENCLOSURE

NIL

REGISTERED

OFFICE OF THE ACCOUNTANT GENERAL(A&F) MEGHALAYA ETC:SHILLONG:

Estt-1(M)/PC/CG/AR/2000/3950

Dated 3 MAR 2000

To

Smt. K(O) Mikoisana Devi,
W/o Late K. Megho Singh,
Ex-Divisional Accounts Officer,
Khoyathong Polem, Leikai,
Imphal, Manipur.

Sub:- Compassionate appointment.

With reference to her application dt.29-12-99 regarding compassionate appointment of her eldest son, Shri Koijam Amarjit Singh, Smt. Mikoisana Devi is directed to furnish an application form in plain paper seeking compassionate appointment from her eldest son Shri Koijam Amarjit Singh, stating therein his name, age, educational qualification, relationship with the deceased govt. servant, etc. duly signed by the candidate himself.

2. The annexure form is returned back in original with the direction to complete the column 6 against SL V of part A whether the family is employed or not (If employed particulars of employment & emoluments) The annexure should also be completed in the space provided to be identified by a permanent govt. servant duly verified by the welfare Officer of this Office. The annexure form is duplicate is enclosed herewith for doing the needful from your end.

Sd/-
Establishment Officer.

Nazima

Attested
J. duhan
D. D. D. D.

To

The Accountant General (A&E)
Meghalaya Etc. Shillong.

Subject: Compassionate Applt.

Sir,

With reference to your letter No. Esst-I(M)/PCO/CE/AR/2000/3950 dt. 3-3-2000 addressed to my mother Smt. K. (Ongbi) Mikoisana Devi, I have the honour to state that while in serving as Sr. Divisional Accounts Officer in the office of the Executive Engineer, Imphal East Division, P.W.D., Manipur, my father K. Megho Singh, died on 4-11-1999 leaving behind a family consisting of 6(six) members.

I beg further to state that, there is no Govt. servant in the family and my late father was the only bread earner. On the death of my father there is no other source of income in the family except the family pension to be received by my mother.

In this connection my mother submitted application in prescribed ^{form} along with the supporting documents on 29-12-1999 for giving me compassionate applt. to a suitable post in your office.

However, as directed by you to your letter under reference I am furnishing herewith my particulars in support of my candidature.

1. Name :- KOIJAM AMARJIT SINGH
2. Date of birth :- 1-2-1980.
3. Educational qualification :- Passed Hr. Sec. Exam. 1997 (Provisional certificate and Marks sheet enclosed).
4. Relationship with the deceased Govt. servant :- 1st son.
5. Home Address :- Khoyathong Polem Leikai, P.O. Imphal, Manipur.

In view of the above position I most respectfully request you kindly to appoint me to a suitable post in your office.

For which act of your kindness, I shall ever remain grateful to you.

Encl:-

Dated, Imphal
the 12-4-2000

Yours faithfully,
Sd/-

(Kojiam Amarjit Singh)
S/o (Late) K. Megho Singh,
Sr. Divn. Accounts Officer,

Home Address:- Khoyathong Polem
Leikai, P.O. Imphal
Manipur Pin- 795001

TRUE COPY

ADVOCATE

Attested
J. K. K. K.
Advocate

Annexure

PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF GOVERNMENT SERVANTS DYING WHILE IN SERVICE/RETIRED OR EX-GRATIA PENSION.

PART - A

- I. (a) Name of the Government servant (Deceased/Retired on Medical grounds) (LATE) KOIJAM MEGHA SINGH
- (b) Designation of the government servant. Sr. Divisional Accounts Officer
- (c) Whether it is group 'B' or not? Group 'B'
- (d) Date of birth of the Government Servant. 1-12-1948
- (e) Date of death/retirement on medical grounds. 4-11-1999
- (f) Total length of service rendered. 26 years 4 months fifty four Completed Six monthly periods
- (g) Whether permanent or Temporary. permanent
- (h) Whether belonging to SC/ST/OBC NO
- II (a) Name of the candidate for appointment. Koijam Amarjit Singh
- (b) His/her relationship with the government servant. Son
- (c) Date of birth. 1-2-1980
- (d) Educational qualifications. Council of Higher Secondary Education (All passed)
- (e) Whether any other dependent & family member has been appointed on compassionate grounds. NO
- III. Particulars of total assets left including amount of :-
- (a) Family pension Rs. 4625/-
- (b) D.C.R. Gratuity. Rs. 3,42,171/-
- (c) G.P.F. Balance. To be authorized by (A & R) Shillong A/C NO PADS/353
- (d) Life insurance policies (Including postal life insurance). NIL

- 2 -

movable and immovable properties and annual income earned therefrom by the family.

Rs. 90,000/-

One Scooter

(f) C.G.S. Insurance amount.

Rs. 60,000/-

(g) Encashment of leave

Rs. 1,22,100/-

(h) Any other assets

Total of Item (b) to (h) Rs. 2,72,100/-

IV. (i) Brief particulars of Liabilities, if any.

Rs. 20,500/- in connection with prolonged medical leave

V. Particulars of all dependents 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 Government servant. | Age | Address | Employed or not (If employed particulars of employment and emoluments) |
|---------|-------------------------|---|------------|---------------------------------|--|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | KOIJAM. MIKUISANA DEVI | (WIFE) | 1-3-1953 | KHOYATHONGI POLEM LAIKAI IMPHAL | do |
| 2. | KOIJAM. AMARTIT SINGH | (SON) | 1-2-1980 | do | do |
| 3. | KOIJAM. VIKRAMTIT SINGH | (SON) | 1-7-1981 | do | do |
| 4. | KOIJAM. AMARTIT SINGH | (SON) | 23-11-1984 | do | do |
| 5. | KOIJAM. BITULATA DEVI | (DAUGHTER) | 23-10-1986 | do | do |
| 6. | KOIJAM. AMARTIT SINGH | (SON) | 11-2-1988 | do | do |

DECLARATION / UNDERTAKING

VI.

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 I is, at a future date, my services may be terminated.

2. I hereby also declare that I shall not furnish properly the names of family members who were dependent on the Government servant/members of the armed forces mentioned against I (a) of part of this form and in case it is proved at any time that the said family members are being maintained by me, my application shall be rejected.

Dated 12/4/2000

K. Amarjit Singh

Signature of the candidate

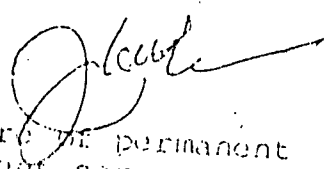
Name :- Kojam Amarjit Singh

Address :- Thangmaband Khegalhara
polem Leikai Imphal

Shri/Smt/Km K. Amarjit Singh

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

Date: 12/4/2000



Signature of permanent Government servant

Name :- K. M. MATHERI SINGH

Address :- KHURAI CHAITHABI
LBIRAK Imphal
Executive Engineer
Imphal East Divn. J. & W. D. O
Manipur

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

te:-

Signature of the welfare Officer

Name:-

Address:-

DECLARATION / UNDERTAKING

- VI.
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/members 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 properly maintained by me, my appointment may be terminated.

Dated : 12/4/2000

Sd/-

Signature of the candidate

Name : Koijam Amarjit Singh

Address : Thangmeiband Khoyathong
Polem Leikai Imphal.

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

Dated : 12/4/2000

Sd/-

Signature of permanent
Government servant

Name : KH. MOHORI SINGH

Address : KHURAI CHAITHABI
LEIRAK, Imphal.
795010

SEAL

Executive Engineer
2nd East Division
Mangin (P.W.D.)

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

Date:-

Signature of the welfare
Officer

Name:-

Address:-

Contd.....4/-

To
The Establishment Officer,
Office of the Accountant General (A & E)
Meghalaya, Shilong.

Subject : Request for appointment of my eldest son on
compassionate ground of his father late Shri Kojam
Megha Singh.

Sir,

I have the honour to lay a few lines before you for your kind
consideration. That with reference to your letter No.Estt-
(M)/PC/CG/AR/2000/3950, dated 3.4.2000 addressed to me. I had already
submitted the annexure after filling up the column No.6 against Sl No. 5 of Part A
on 12-4-2000. After if I had already sent another application updating my son's
Biodata on 27.2.2002.

As he is the eldest son and me too is also unemployed. So, we are in
deep trouble due to financial problem.

So, I therefore request to kindly appoint my eldest son to a suitable post
in your office at the earliest.

I will always remain thankful to you for your kind help.

Enclose : As stated above.

TRUE COPY

ADVOCATE

Dated : Imphal,
The April 5th 2003.

Yours faithfully,

Sd/-

(Kojam Ongbi Mikoisana Devi)
W/o (Late) Kojam Megha Singh
Senior Account Officer

Affected
F. Nihon
Advocate

- 24 -

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ANNEXURE-A/9

REGISTERED

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC.,
SHILLONG

No.Estt-I/PC/CG/AR/2000/2620

Dated: 9 SEP 2003

To

Smt. Kojam Ongbi Mikoisana Devi
W/o (late) K. Megho Singh
Ex-Sr.Divisional Accounts Officer,
Thangmeiband Khuyathong, Polem Leikai,
Imphal West-795001.

Sub:- Compassionate appointment.

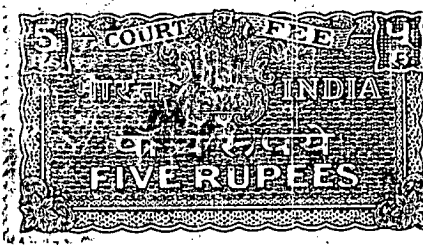
With reference to her applications dated 29-12-1999 and dated 5-4-2003 on the subject cited above, Smt. K.O. Mikoisana Devi is hereby informed that the request for compassionate appointment of her Son Kojam Amarji cannot be acceded to and thus the same is regretted.

Sd/-
Sr.Deputy Accountant General (Admn)

TRUE COPY

[Signature]
ADVOCATE

Attested
J. N. N. N.
Advocate



ANNEXURE-A/10 JV

| प्रतिलिपि के लिए अवेदन की तारीख Date of application for the copy | स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios | अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios. | तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery. | अवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant. |
|---|--|--|--|--|
| 13 JUN 2006 | 16 JUN 2006 | 21 JUN 2006 | 21 JUN 2006 | 21 JUN 2006 |

No.HCM/ 1057

13 JUN 2006

IN THE GAUHATI HIGH COURT

(The High Court of Assam, Nagaland, Meghalaya, Manipur Tripura, Mizoram & Arunachal Pradesh)

IMPHAL BENCH

WRIT PETITION (C) NO. 1609 OF 2003

Shri Koijam Amarjit Singh, aged about 23 years, s/o late K. Megho @ Megha Singh of Khoyathong Polem Leikai, P.S. Lamphel, District Imphal West, Manipur.

Petitioner.

- Versus -

- The Union of India.
- The Accountant General (A.G.), Manipur.
- The Chief Engineer, Public Works Department (P.W.D.), Manipur.
- The Executive Engineer, Imphal East Division, P.W.D., Manipur.
- The Accountant General (A&E), Meghalaya, Etc. Shillong.

Respondents.

Vide the Hon'ble Court's order dated 15-12-2003 passed in W.P.(C) No.1609 of 2003, the respondent No.5. is impleaded.

Respondents

BEFORE

THE HON'BLE MR. JUSTICE T.N.K. SINGH

For the Petitioner : Mr. L. Raju Singh, Advocate

For the Respondents : Mr. N. Ibotombi, CGSC

Date of order : 12-06-2006

Contd... 2/-



Accepted
Jr. Nehru
Advocate.
1708/2003
21/6/06
Assistant Registrar-II
Gauhati High Court
Imphal Bench (Manipur)

21/6/06

O R D E R

Mr. L. Raju Singh, learned counsel appearing on behalf of the petitioner prays for allowing to withdraw this writ petition so as to enable the petitioner to approach the competent authority (i.e. CAT) for the relief sought for in the present writ petition. Mr. N. Ibotombi Singh, learned CGSC appearing for the respondents has no objection to the prayer made by the petitioner. Prayer is allowed. The writ petition is disposed of accordingly.

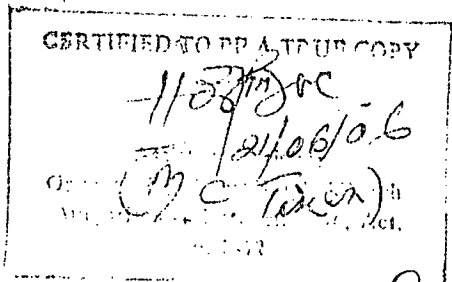
Sd/- T.NK. SINGH
JUDGE.

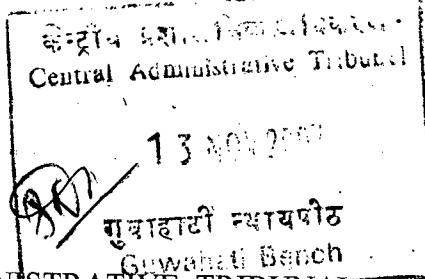
Signature of copyist :

M. Priya Kumar Singh 21/6/2016
(M. PRIYA KUMAR SINGH)

Read by : *N. Kameshwar Singh* 21/6/2016

Compared by : *M. V. Venkatesh* 21/6/2016





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

AT GUWAHATI

IN THE MATTER OF

OA NO. 242 OF 2006

SHRI KOIJAM AMARJIT SINGH

-VERSUS-

1. THE UNION OF INDIA-REPRESENTED BY THE COMPTROLLER AND AUDITOR GENERAL OF INDIA, NEW DELHI.
2. THE ACCOUNTANT GENERAL (A&E) MEGHALAYA ETC. SHILLONG.
3. THE ACCOUNTANT GENERAL (A&E) MANIPUR, IMPHAL.
4. THE CHIEF ENGINEER (P.W.D) MANIPUR
5. THE EXECUTIVE ENGINEER, IMPHAL EAST DIVISION, MANIPUR

-AND-

IN THE MATTER OF

Written Statement submitted by the

Respondents No. 1 to 3.

1. That with regard to paras 4.1 to 4.6 of the Statement, the Respondents humbly submit that they have no comments to offer.
2. That with regard to para 4.7 of the Statement, the Respondent No.2 admits that a representation dated 29th December 1999 from Smti.K.O.Mikoisana Devi, wife of Late K.Megho Singh praying for the appointment of her eldest son Shri Koijam Amarjit Singh to a suitable post on compassionate ground was received sometime in January 2000 in the Divisional Accountants Cell (D.A.Cell) of this office. This Cell deals with all administrative and personnel matters of divisional accountants are under the administrative control of this office.

Filed by
The Respondents No. 1 to 3
through
Usha Das
Addl Cusc
31/10/06

Aves

-28-

45

3. That with regard to para 4.8 of the Statement, the Respondent No.2 humbly admits that the Senior Accounts Officer incharge of the Divisional Accountants Cell duly forwarded the representation of Smti K.O. Mikoisana Devi to the Establishment Officer of this office vide his letter No.DA Cell/PC/KMS/1765 dated 31.1.2000 for further necessary action and not "for appointment" as submitted by the applicant in her Statement. The Respondent further humbly submits that the forwarding of the request for compassionate appointment by the Senior Accounts Officer to the Establishment Officer was a routine procedure with a view to keep the case papers ready (alongwith case papers of other applicants also who may have applied for compassionate appointment) in the event of any vacancies arising in the office against the compassionate appointment quota.
4. That with reference to para 4.9 of the Statement, Respondent No.2 admits that the Establishment Officer vide letter No.Estt.I(M)/PC/CG/AR/2000/3950 dated 3.3.2000 to Smti.K.O.Mikoisana Devi in response to her representation dated 29th December 1999 requesting compassionate appointment of her son Shri Koijam Amarjit Singh, advised her to furnish an application in plain paper seeking compassionate appointment for her eldest son Shri Koijam Amarjit Singh indicating therein his full name, age, educational qualification, relationship withn the deceased government servant, etc. duly signed by the candidate himself and in addition, to filling up a proforma prescribed for the purpose under the rules. It is further admitted that in accordance with these instructions, Shri Koijam Amarjit Singh son of Late K.Megho Singh submitted an application dated 12.4.2000 alongwith all the required particulars to the Accountant General (A&E) Meghalaya, Shillong praying for compassionate appointment.

Answer

- 29-
- 46
5. That with reference to paras 4.10 and 4.11 of the Statement, the Respondents humbly submit that the case of the applicant was to be regulated in accordance with the terms and conditions of the Scheme for Compassionate Appointment (1998) as circulated by the Government of India, Ministry of Personnel, Public Grievances and Pension, O.M.No.14014/6/94-Estt.(D) dated 9.10.1998 (Annexure I) as amended from time to time alongwith the instructions of the C&A.G of India contained in letter No.121-NGE(App.)/21-2003/Vol.I dated 19.2.2003. (Annexure II).

That, other than the instructions as contained in the *ibid* Scheme, the ruling contained in the under mentioned judgements of the Apex Court are also to be kept in view while considering the cases of compassionate appointment.

- (a).Judgement dated 8-04-1993 in the case of Auditor General of India Vs G. Ananta Rajeswara Rao [1994] I Sec 192]
- (b).Judgement dated 04-05-1994 in the case of Umesh Kumar Nagpal Vs. State of Haryana and others [JT 1994(3)SC 525].
- (c).Judgement dated 28-02-1995 in the case of Life Insurance Corporation of India Vs. Asha Ramchandra Ambedkar and others [JT 1994(2) SC 183].
- (d).Judgement dated 07-05-1996 in the Case Himachal Road Transport Corporation Vs Dinesh Kumar [JT 1996(5)SC 319].
- (e).Judgement dated 09-10-1996 in the Case of Hindustan Aeronautics Limited Vs. Smti. Radhika Thirumalai [JT 1996(9)SC 197].
- (f).Judgement dated 15-07-1996 in the case of State of Haryana and others Vs. Ram Devi and others [JT 1996 (6) SC 646].

That, as per the *ibid* judgements, posts in Group 'C' and Group 'D' are alone to be offered on compassionate grounds only to the dependents dying in harness leaving his family in penury and without means of livelihood and such appointments are to be made only if a vacancy is available for the same. That, it has also further been clarified that the High Courts and Administrative Tribunals cannot give direction for

Anur

30- 14
appointment of a person on compassionate grounds but can merely direct consideration of the claim for such appointment.

That, as per para 7(b) & (d) of the 1998 Scheme, compassionate appointments can be made up to a maximum of 5% of vacancies falling under direct recruitment quota in any Group 'C' or Group 'D' post and the ceiling of 5% of direct recruitment vacancies should not be exceeded.

That Govt. of India Ministry of Personnel, Public Grievances and Pensions vide O.M. No.14014/24/99-Estt(D) dated 28-12-99 had amended the OM dated 9-10-98 to the extent that for the purpose of calculation of vacancies for compassionate appointment fraction of a vacancy either half or exceeding half but less than one may be taken as one vacancy.(Annexure III)

That, Government of India Ministry of Personnel, Public Grievances and Pensions vide OM No.F.No.14014/23/99-Estt(D) dated 03-12-99 (Annexure IV) modified OM dated 09-10-98 to the extent that the Committee prescribed in para 12 of the said OM should recommend appointment on compassionate grounds only if vacancy meant for appointment on compassionate grounds will be available within one year and that also within 5% ceiling. The maximum time a person's name can be kept under consideration for offering compassionate appointment was thereafter, modified to three years vide O.M. No.14014/19/2002-Estt(D) dt. 5.5.2003.(Annexure V).

That Respondent No.1 with a view to bring uniformity in the matter of offering compassionate appointment in all offices of the Indian Audit and Accounts Department under its control vide letter dt. 19-02-2003 (Annexure VI) prescribed parameters for compassionate appointment of a family member in the case of death of a Government servant in harness by taking into account total income of the family from all sources including all terminal benefits but excluding G.P.F. If the total income that is worked out after such computation in respective category is found less

-31-

than the parameters below, such cases are considered as eligible for compassionate appointment subject to fulfillment of other conditions.

Group 'B' employee - Rs.5(Five) Lakhs
Group 'C' employee - Rs.3(Three) Lakhs
Group 'D' employee- Rs. 2(Two) Lakhs

That it has been further clarified that mere applicability of limit does not justify the case for compassionate appointment and the prescribed limits can also be relaxed in deserving cases with extenuating circumstances.

That Govt. of India Ministry of Personnel, Public Grievances & Pensions vide OM No.2/8/2001-PIC dated 16-05-2001 (Annexure VII) had earlier clarified that direct recruitment would be limited to 1/3rd of the direct recruitment vacancies arising in a year subject to a further ceiling that this does not exceed 1% of the total sanctioned strength of the department.

6. That, with reference to para 4.10 of the Statement, the Respondents also humbly submit that in the office of Respondent No.2, the vacancy position as on 01-07-2003 in the Group 'C' Accountants cadre was 6 and Group 'C' Clerk/Typist cadre was 35 and in view of instructions contained in O.M. dated 16-05-2001, the 5% share for compassionate appointment came to 'Nil' for the post of Accountant and the 5% share for compassionate appointment for the post of Clerk-Typist came to 1.75 i.e. 2 posts. It may be pointed out that Shri Koijam Amarjit Singh, son of (Late) K. Megho Singh was eligible for consideration for compassionate appointment to a Group 'C' post in view of his educational qualifications. That the application in complete shape for appointment on compassionate ground in respect of Shri Koijam Amarjit Singh son of (Late) K. Megho Singh, Ex-Sr. Divisional Accounts Officer was received in April 2000 and scrutiny of the case revealed the following facts :-

- (i) (Late) Singh, Sr. Divisional Accounts Officer, was a Group 'B' officer.
- (ii) The family of (Late) Singh had received financial benefits and acquired properties of Rs. 6,41,000 as detailed below :-

- 32
- 29
- | | | |
|-----|------------------------------|--------------------------|
| (a) | Family pension | = Rs. 6,336/- p.m. |
| (b) | D.C.R.G | = Rs. 3,42,171/- |
| (c) | Movable & Immovable Property | = Rs. 90,000/- |
| (d) | CGE Insurance | = Rs. 60,000/- |
| (e) | Encashment of Leave | = Rs. 1,22,100/ |
| (f) | One Scooter | = Rs. 20,500/- (Approx.) |

(iii) Liabilities of Rs. 1,20,500/- (Medical Expenses of the deceased)

The net income received by the family had exceeded the prescribed monetary limit of Rs. 5 lakhs rendering his son ineligible for compassionate appointment and that there was no available vacancy in the direct recruitment quota in Group 'C' appointment on compassionate ground. The applicant was then intimated about the inability to consider to his request vide letter No. Estt.I/PC/CG/AR/2000/2620 dated 9.9.2003. Thus, the contention of the applicant that the Sr. DAG(Admn) has issued the letter dated 9.9.2003 against the rules and regulation is not correct.

That, despite the above fact, the Screening Committee met in the month of September 2003 in terms of para 12 (c) of the Scheme of Compassionate Appointment (1998) had considered 13 cases including that of the Applicant for appointment on compassionate grounds against 2(two) vacancies in the cadre of Clerk Typists. The details of all the 13 cases are enclosed and marked as (Annexure VIII).

That, the Committee after assessing the financial conditions of the family and by taking into account their assets and liabilities including the financial benefits received by the family of the deceased Government Servant excluding the G.P.F. (the total income of the family from all sources including terminal benefits after death excluding G.P.F) and taking into consideration all other relevant factors such as presence of an earning member, size of the family, ages of the children and essential needs of the family etc. and taking into account the vacancy position for such appointment the Committee recommended two names, viz., Shri Elaluis Jyrwa, son of Late Celestine Iangrai Ex-Selection Grade Record Keeper and Shri Bakynmaw Diengdoh 'son of Late Mawshai Singh

Paswett, Ex-Clerk/Typist whose cases were considered to be most deserving for compassionate appointment.

It is pertinent to mention here that the Screening Committee did not consider the remaining eleven cases including that of the Applicant, to be fit cases as the Committee did not find these cases covered under the parameters laid down for monetary ceiling prescribed in the letter dated 19-02-2003 (Annexure VI). (Late) K. Megha Megho Singh, a Senior Divisional Accounts Officer has expired on 4.11.1999. In terms of Ministry of PPG & Pension etc. OM No. 14014/19/2002-Estt(D) dated 5.5.2003 (Annexure V), the time limit for consideration of compassionate appointment in respect of the applicant was upto 31.12.2002 only. The parameters i.e. monetary limit as well as the time limit for compassionate appointment had exceeded, the Committee therefore, did not reconsider the case of the applicant for compassionate appointment.

The applicant was also intimated accordingly vide letter No. Estt. I/PC/CG/AR/2000/6352 dated 16.3.2006 (Annexure IX).

7. That, the contention of the Applicant at para 4.11 of the Statement is incorrect because as already submitted earlier, the case of the Applicant was taken up along with other 12 cases by the Screening Committee in September 2003. Further, the duly constituted Committee had not diverted from the laid down procedure as contained in the Scheme for Compassionate Appointment (1998) and the inability of the Respondent No.2 to offer appointment on compassionate to the Applicant because the Applicant's case failed to satisfy the parameters in regard to monetary ceiling prescribed in letter dated 19-02-2003 and was further compounded because of non-availability of vacancies.
8. That with regard to para 4.12 of the application the Respondents humbly submit that they have no comments to offer.

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9. That with regard to paras 5.1 to 5.4, the Respondents humbly submit that they are duty bound to follow rules/ orders prescribed by the Government of India/Comptroller & Auditor General of India and they are unable to do anything which are not covered by laid down Rules.


Relief (s) sought

The submission made by the Respondents be treated as facts of the Record and needs no further reply in view of the factual positions as depicted the applicant is not entitled to get any relief prayed for by him and the instant O. A No. 242/06 deserves to be dismissed being devoid of merits. It is prayed that the Hon'ble tribunal may pleased to pass an appropriate order in the interest of equity and justice and dismiss the O.A accordingly.

Verification

I Shri Ajay Kumar Das son of Late J. R. Rabha, working as Deputy Accountant General (Admn) Meghalaya, Arunachal Pradesh and Mizoram, Shillong do hereby solemnly declare that the statements are true to my knowledge and belief and information and I sign the verification on this day of 30th October 2006 at Shillong and have not suppressed any material therefrom.


Deponent

By  A.C. (A & H)
Meghalaya c/o
Shillong.

Office of the Comptroller and Auditor General of India
New Delhi - 110 002.

Circular No.33 /NGE/99
No. 678/N(App)/18-99/Vol.V
Dated :- 10-06-1999.

Annexure-1

10 June 1999

To

1. All Heads of Department in the IA&AD
(As per mailing list)
2. NGE(Entt.)/NGE(JCM)/Audit(Rules)/
OE & Bills/CA-I

Sir/Madam,

In continuation to Headquarters circular No.36/NGE/97 issued vide No.1527/N(App)/15-97/Vol.V dated 10-12-97, I am directed to forward herewith a copy of Govt. of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training) O.M.No. 14014/6/94-Estt.(D) dated 9-10-98 containing the revised consolidated instructions on the scheme for compassionate appointment under the Central Government, for information and necessary action.

Yours faithfully,

Encl : As above.

A.K. Sinha
10/6/99

(A.K. SINHA)
ADMINISTRATIVE OFFICER (APP)

Encl
01.12.99

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SCHEME FOR COMPASSIONATE APPOINTMENT

1998

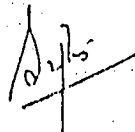
Department of Personnel and Training
Ministry of Personnel, Public Grievances and Pensions
Government of India

15/10/94
New Delhi 110001
October 9, 1998

OFFICE MEMORANDUM

Subject:- Scheme for compassionate appointment under the
Central Government - Revised consolidated instructions -

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 judgements 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.


(K.K. JHA)

Director(Establishment)

To

All Ministries/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 Secretariat
4. Lok Sabha Secretariat
5. All State Governments/Union Territories Administrations
6. All attached/subordinate offices under the Department of Personnel and Training/Ministry of Home Affairs
7. National Commission for SC/ST, New Delhi
8. National Commission for OBC, 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)

-38- (180) -12- (75) (89)

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 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.

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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-serviceman before the normal age of retirement in a civil post.

3. AUTHORITY COMPETENT TO MAKE COMPASSIONATE APPOINTMENT

- (a) Joint Secretary incharge 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.
- (c) 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.

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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 limit 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 upto 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.

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- (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 Department of 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 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 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.

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- (d) The ceiling of 5% of direct recruitment vacancies for making compassionate appointment should not be exceeded by utilising 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 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.

RELATED 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 organisation or suspected to have gone abroad.

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- (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 proforma 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 requirements 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

- (a) 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 reorganisation 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 regularisation 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 (A) (b) and (c) above in respect of Group 'A'/'B'/'C' Government servants and to bring it at par with the upper 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 sag 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 JUDGEMENTS

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

- (a) The Supreme Court in its judgement dated April 8, 1993 in the case of Auditor General of India and others vs. G. Ananta 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 judgement dated May 4, 1994 in the case of Umesh Kumar Nagpal vs. State of Haryana and others [JT 1994(3) S.C. 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 'A' or Group 'B' category is expected or required to be given for this purpose as it is legally impermissible.

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- (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 judgement dated February 28, 1995 in the case of the Life Insurance Corporation of India vs. Mrs. Asha Ramchandra Ambekar and others [JT 1994(2) S.C. 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 vs. Dinesh Kumar [JT 1996 (5) S.C. 319] on May 7, 1996 and Hindustan Aeronautics Limited vs. Smt A. Radhika Thirumalai [JT 1996 (9) S.C. 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 judgement in the case of State of Haryana and others vs. Rani Devi and others [JT 1996(6) S.C. 646] 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.

PROFORMA 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) D.C.R. Gratuity
- (c) G.P.F. Balance
- (d) Life Insurance Policies
(including Postal Life Insurance)
- (e) Moveable and immovable
properties and annual income
earned therefrom by the family.
- (f) C.G.E. Insurance amount
- (g) Encashment of leave
- (h) Any other assets

Total

IV. Brief particulars of liabilities,
if any.

- 51 -

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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) |

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VI.

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 dependant 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:-

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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 above 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). _____

OFFICE OF THE COMPTROLLER & AUDITOR GENERAL OF INDIA
NEW DELHI

For exclusive use in the
I.A.&A.D. and not to be
quoted or published
elsewhere.

Circular No. NGE/ 11 /2003

No. 121 - NGE(App)/21-2003/Vol. I

Dated: 19 February, 2003

To

1. All the Heads of Department in the I.A.&A.D.
(except Overseas Audit offices)
2. A.C.(P)/ A.C.(C)/ Director(P)
3. G.E.-I/G.E.-II/O.E.&Bills(Estt)/C.A.-I/ NGE(Entt)/ NGE(JCM)/
Audit(Rules)

Subject :- Appointment on compassionate grounds.

Sir/ Madam,

Under the existing instructions of the Government of India, while considering a request for appointment on compassionate ground, a balanced and objective assessment of the financial condition of the family of the deceased has to be made taking into account its assets and liabilities [including the terminal benefits (excluding G.P.F.) received on account of death of the employee] and all other relevant factors. Hon'ble Supreme Court has also held that 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 not permissible.

With a view to bring uniformity in our offices regarding parameters for compassionate appointment of a family member in the case of death of a government servant in harness, it has been decided that the total income of the family from all sources including terminal benefits after death, excluding G.P.F., should be taken into account. If the resultant computation works out to a figure less than the parameters given below, such cases can be considered for compassionate appointment subject to fulfillment of all other conditions. The limits are given below :-

| | |
|-----------|-----------------|
| Group 'B' | Rs. Five lakhs |
| Group 'C' | Rs. Three lakhs |
| Group 'D' | Rs. Two lakhs |

It should be noted that mere application of the limit does not justify a case for compassionate appointment and there should be sufficient grounds as per other conditions. Each proposal will be processed on case by case basis. In very deserving cases with extenuating circumstances, the Heads of Department may, however, recommend cases to Headquarters for seeking relaxation of the above monetary limits from the Deputy Comptroller and Auditor General of India.

3. Receipt of this circular may please be acknowledged.

Yours faithfully,

(Signature)

(Manish Kumar)

Asstt. Comptroller & Auditor
General (N)

1. 28/2/03
(info/confidential call)
For M. V. Singh. Then instructions to
followed strictly + review old cases.
C.A. pending
(completing review
by 28/2/03)
2
28/2/03
AAO/KSH

- 55 -

29 (155) Annexure III
(65)

No. 14014/24/99-Est.(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

New Delhi 110001
December 28, 1998

OFFICE MEMORANDUM

Subject:-Compassionate appointment - Calculation
of vacancies by grouping of posts.

The undersigned is directed to refer to the Department of Personnel and Training Office Memorandum No.14014/6/94-Est(D) dated October 9, 1998 on the above subject and to say that the question of non-availability of vacancies for appointment on compassionate grounds within 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 particularly in small Offices/Cadres has been considered by the Government keeping in view difficulties being experienced in this regard even in genuine/deserving cases.

Accordingly, it has been decided to allow grouping of posts in small Offices/Cadres for the purpose of calculation of vacancies for appointment on compassionate grounds. Consequently, Group 'C'/'D' posts in which there are less than 20 direct recruitment vacancies in a recruitment year may be grouped together and out of the total number of vacancies 5% may be filled on compassionate ground subject to the condition that appointment on compassionate grounds in any such post should not exceed 10%.

It is also clarified that for the purpose of calculation of vacancies for compassionate appointment, fraction of a vacancy either half or exceeding half but less than one may be taken as one vacancy.

The instructions on the subject contained in the Office Memorandum No.14014/6/94-Est(D) dated October 9, 1998 stand modified to the extent mentioned above.

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

(K. K. JHA)
DIRECTOR(Establishment)

Sd/-
28/12/98
C/P

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A annexure-TV
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F.No.1
Gov

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

New Delhi 110001
December 3, 1999

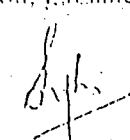
OFFICE MEMORANDUM

Subject:- Time-limit for making Compassionate Appointment

p/181^c
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 vacancy for each 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 Ministries/Departments/Offices of the Government of India to consider those cases for appointment there as provided in paragraph 7 (f) *ibid*.

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.


(K. K. JHA)
DIRECTOR (Establishment)

Office of the Comptroller & Auditor General of India
New Delhi - 110 002.

Circular No. NGE/ 08/2000
No. 63 / NGE(App)/18-99/Vol. V
Dated :- 14-01-2000

To

1. All the Heads of Department in I.A. & A.D.
(As per mailing list).
2. NGE(Entt.) / NGE(JCM) / Audit (Rules)
OE & Bills / CA.I

Subject : Time-limit for making Compassionate Appointment.

Sir / Madam,

In confirmation to Headquarters circular letter No-33/NGE/99 issued vide No.-678/N(App)/18-99/Vol.V dated 14-6-99, I am directed to append overleaf a copy of Govt. of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training) O.M. No. 14014/23/99-Estt(D) dated 3-12-99 on the above subject for information and necessary action.

Yours faithfully,

(A.K. SINHA)
ADMINISTRATIVE OFFICER (APP)

27/1/2000
27/1/2000

27/1/2000
27/1/2000

55-11/11/2002-32-1
No.14014/19/2002-Estt(B)

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.

1. The undersigned is directed to refer to Department of Personnel & Training OM No.14014/6/94-Estt(B) dated October 9, 1998 and OM No.14014/23/99-Estt(B) 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 case warrants extension by one more 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.

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3. The name of the applicant's name can be kept under consideration for compassionate Appointment will be three years on 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.

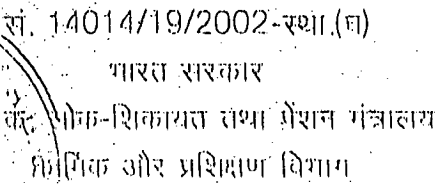
6. Hindi version will follow.

Vidhu Kashyap
(Vidhu Kashyap)
Director(JCA)

To
All Ministries/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 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 Bhavan, New Delhi.
12. All Officers/Sections of Department of Personnel & Training.
13. Facilitation Centre, DOP&T - 20 spare copies.
14. Establishment(D) Section (500 copies).

~~Answer~~ - VT

नई दिल्ली, दिनांक : मई 05, 2003

कार्यालय-ज्ञापन

विषय :- अनुकम्पा के आधार पर नियुक्ति किए जाने की समस्या-शीघ्र ।

अभिलेखित विषय पर इस विभाग के दिनांक अक्तूबर 09, 1998 के कार्यालय-आपन सं. 14014/6/94-स्था.(ग) और दिनांक दिसम्बर 03, 1999 के कार्यालय-आपन सं. 14014/23/99-स्था.(घ) का हवाला देने और यह कहने का निर्देश हुआ है कि अनुकम्पा के आधार पर नियुक्ति किए जाने की कोई निश्चित समय-सीमा निर्धारित किए जाने के मुद्दे की इस बारे में मिले अभिवेदनों के संदर्भ में जांच-पड़ताल कर ली गई है। उपर्युक्त अभिवेदनों में यह बताया गया है कि अनुकम्पा के आधार पर नियुक्ति किए जाने की दृष्टि से निर्धारित एक वर्ष की अवधि के भीतर और सीधी भर्ती से भर्ती होने वाले पदों के कोटे के 05 प्रति शत रिक्त पदों की निर्धारित सीमा के भीतर, नियमित रिक्त पद उपलब्ध नहीं हो पाने से, अनुकम्पा के आधार पर नियुक्ति किए जाने की एक वर्ष की समय-सीमा निर्धारित किए जाने के कारण, दिवंगत कर्मचारियों पर सीधे आश्रित अत्यन्त जरूरतमंद पात्र व्यक्ति, प्रायः ऐसी नियुक्ति हासिल करने से बंथित रह जाते हैं।

2.
Audit
(17/1/19)

2. अतः यह निर्णय किया गया है कि यदि उपर्युक्त कार्यालय-झापनों में निहित मार्गदर्शी सिद्धान्तों के अनुसार, नियमित रिक्त पद उपलब्ध नहीं हो पाने के कारण, दिवंगत कर्मचारियों पर शीघ्र आश्रित अत्यन्त जरूरतमंद और पात्र व्यक्तियों के मामलों में, पहले एक वर्ष के भीतर, अनुकम्पा के आधार पर नियुक्ति करना सम्भव नहीं हो तो इस बारे में निर्धारित समिति, दिवंगत कर्मचारी के परिवार की आर्थिक स्थिति का आकलन करके, यह तय करने की दृष्टि से ऐसे मामलों की समीक्षा करे कि क्या किसी मामले में उपर्युक्त समिति द्वारा, शीघ्र गती से भरे जाने वाले पदों के कोटे के 05 प्रतिशत रिक्त पदों की निर्धारित सीमा के भीतर, स्पष्टतः रिक्त पद उपलब्ध होने की शर्त पर, अनुकम्पा के आधार पर नियुक्ति करने पर विचार किए जाने की दृष्टि से निर्धारित समय-सीमा को एक वर्ष तक और बढ़ाए जाने की आवश्यकता है या नहीं। यदि उपर्युक्त समिति द्वारा ऐसी छान-बीन किए जाने पर, किसी दिवंगत कर्मचारी पर शीघ्र आश्रित व्यक्ति की अनुकम्पा के आधार पर नियुक्ति किए जाने के मामले में, दिवंगत कर्मचारी पर शीघ्र आश्रित व्यक्ति को अत्यन्त जरूरतमंद और पात्र माना जाए तो ऐसे किसी व्यक्ति का नाम एक और वर्ष तक विचारार्थ कायम रखा जा सकता है।

(C) The
 (D) The
 (E) The

$$f: \mathbb{R}^n \rightarrow \mathbb{R}^m$$

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~~22/5/03~~

3. अनुकम्पा के आधार पर नियुक्ति की पेशकश किए जाने के लिए दिवंगत कर्मचारी पर आश्रित किसी मात्र व्यक्ति का नाम इस शर्त पर, अधिकतम तीन वर्ष की अवधि तक विचाराधीन रखा जा सकता है कि पूरा बरस में निर्धारित समिति ने पहले और दूसरे वर्ष की समाप्ति पर, ऐसे आवेदक के मामले की समीक्षा कर ली हो और उसकी आर्थिक, अभावपूर्ण स्थिति प्रमाणित कर दी हो । तीन वर्ष के बाद यदि ऐसे आवेदक को अनुकम्पा के आधार पर नियुक्ति की पेशकश कर पाना सम्भव नहीं हो जाए तो उसका मामला खूद कर दिया जाए और उस पर पुनः विचार नहीं किया जाए ।

4. ऊपर उल्लिखित कार्यालय-ज्ञापनों में निहित अनुदेश, ऊपर दर्शाई गई सीमा तक आशोधित कर दिए गए माने जाएं ।

5. उपरोक्त निर्णय, सूचना, मार्गदर्शन और आवश्यक करवाई हेतु सभी संबंधित व्यक्तियों प्रदत्त केंद्रों में ला दिया जाए ।

Anshu

(विधु कश्यप)

निदेशक (संयुक्त परामर्शदायी तंत्र और अनिवार विद्याचक्र)

संज्ञा. मं. १०३ दि. १३.१२.७७
भारत सरकार के सभी मंत्रालय/विभाग

प्रतिनिधि प्रेषित

1. भारत के नियंत्रक और महालेखापरीक्षक ।
2. सचिव, संध-लोक-सेवा-आयोग ।
3. राज्य-सभा-सचिवालय ।
4. लोक-सभा-सचिवालय ।
5. सभी राज्य-सरकारें / संध-राज्य-क्षेत्र ।
6. कर्मिक और प्रशिक्षण-विभाग / गृह-मंत्रालय के सभी सम्बद्ध / अधीनस्थ कार्यालय ।
7. राष्ट्रीय अनुसूचित जाति / अनुसूचित जनजाति-आयोग, नई दिल्ली ।
8. राष्ट्रीय लोक-सर्वकार-वर्ग-आयोग, नई दिल्ली ।
9. सचिव, कर्मचारी भत्ता, राष्ट्रीय परिषद ।
10. मानव-नीतिक, भारत का उच्चतम न्यायालय ।
11. प्रशासनिक सुधार और लोक-शिकायत-विभाग, सरदार पटेल भवन, नई दिल्ली ।
12. कर्मिक और प्रशिक्षण-विभाग के सभी अधिकारी / अनुभाग ।
13. सूचना-सूचना-केन्द्र, कर्मिक और प्रशिक्षण-विभाग - 20 अतिरिक्त प्रतियाँ ।
14. स्थापना (घ) अनुभाग (500 प्रतियाँ) ।

-63- 37- Annexe - 69
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No. 210/2001-190
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

Date: 10.11.2001

OFFICE MEMORANDUM

Subject: Optimisation of direct recruitment to civilian posts

The Finance Minister while presenting the Budget for 2001-2002 has stated that all requirements of recruitment will be scrutinised to ensure that fresh recruitment is limited to 1 per cent of total civilian staff strength. As about 3 per cent of staff retire every year, this will reduce the manpower by 2 per cent per annum achieving a reduction of 10 per cent in five years as announced by the Prime Minister.

1.2 The Expenditure Reforms Commission had also considered the issue and had recommended that each Ministry/Department may formulate Annual Direct Recruitment Plans through the mechanism of Screening Committees.

2.1 All Ministries/Departments are accordingly requested to prepare Annual Direct Recruitment Plans covering the requirements of all cadres, whether managed by that Ministry/Department itself, or managed by the Department of Personnel & Training etc. The task of preparing the Annual Recruitment Plan will be undertaken in each Ministry/Department by a Screening Committee headed by the Secretary of that Ministry/Department with the Financial Adviser as a Member and JS(z-dm) of the Department as Member Secretary. The Committee would also have one senior representative each of the Department of Personnel & Training and the Department of Expenditure. While the Annual Recruitment Plans for vacancies in Groups 'B', 'C' and 'D' could be cleared by this Committee itself, in the case of Group 'A' Services, the Annual Recruitment Plan would be cleared by a Committee headed by Cabinet Secretary with Secretary of the Department concerned, Secretary (DOPT) and Secretary (Expenditure) as Members.

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2.2 While preparing the Annual Recruitment Plans, the concerned Screening Committees would ensure that direct recruitment does not in any case exceed 1% of the total sanctioned strength of the Department. Since about 3% of staff retire every year, this would translate into only 1/3rd of the direct recruitment vacancies occurring in each year being filled up. Accordingly, direct recruitment would be limited to 1/3rd of the direct recruitment vacancies arising in the year subject to a further ceiling that this does not exceed 1% of the total sanctioned strength of the Department. While examining the vacancies to be filled up, the functional needs of the organisation would be critically examined so that there is flexibility in filling up vacancies in various cadres depending upon their relative functional need. To amplify, in case an organisation needs certain posts to be filled up for safety/security/operational considerations, a corresponding reduction in direct recruitment in other cadres of the organisation may be done with a view to restricting the overall direct recruitment to one-third of vacancies meant for direct recruitment subject to the condition that the total vacancies proposed for filling up should be within the 1% ceiling. The remaining vacancies meant for direct recruitment which are not cleared by the Screening Committees will not be filled up by promotion or otherwise and these posts will stand abolished.

2.3 While the Annual Recruitment Plan would have to be prepared immediately for vacancies anticipated in 2001-02, the issue of filling up of direct recruitment vacancies existing on the date of issue of these orders, which are less than one year old and for which recruitment action has not yet been finalised, may also be critically reviewed by Ministries/Departments and placed before the Screening Committees for action as at para 2.2 above.

2.4 The vacancies finally cleared by the Screening Committees will be filled up duly applying the rules for reservation, handicapped, compassionate quotas thereon. Further, administrative Ministries/Departments/Units would obtain beforehand a No Objection Certificate from the Surplus Cell of the Department of Personnel & Training/Director General, Employment and Training that suitable personnel are not available for appointment against the posts meant for direct recruitment and only

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thereafter place indents for Direct Recruitment. Recruiting agencies would also not accept any indents which are not accompanied by a certificate indicating that the same has been cleared by the concerned Screening Committee and that suitable personnel are not available with the Surplus Cell.

3. The other modes of recruitment (including that of 'promotion') prescribed in the Recruitment Rules/Service Rules would, however, continue to be adhered to as per the provisions of the notified Recruitment Rules/Service Rules.
4. The provisions of this Office Memorandum would be applicable to all Central Government Ministries/Departments/organisations including Ministry of Railways, Department of Posts, Department of Telecom, autonomous bodies - wholly or partly financed by the Government, statutory corporations/bodies, civilians in Defence and non-combatant posts in Para Military Forces.
5. All Ministries/Departments are requested to circulate the orders to their attached and subordinate offices, autonomous bodies, etc. under their administrative control. Secretaries of administrative Ministries/Departments may ensure that action based on the orders is taken immediately.
6. Hindi version will follow.

(Harinder Singh)
Joint Secretary to the Govt. of India

To,

1. All Ministries/Departments to the Government of India (as per standard distribution list)
2. Chairman, BRR, SSC, UPSC and C&AG
3. All Financial Advisers (By name)

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(6)

Annexure - V(157)

COMPASSIONATE APPOINTMENT CASES

*Limit for consideration for compassionate appointment

Group 'B' Rs. Five lakhs
Group 'C' Rs. Three lakhs
Group 'D' Rs. Two lakhs

For Group C post

| Sl No. | Name | Designation | Date of Death | Terminal benefits excluding GPF | Dependent & Status | Applicant | Movable/Immovable property | Date of receipt of application | Family Pension drawn per month (Basic Pension) | Time limit for consideration of compassionate app. Will be 3 years in terms of GLOM No. 14014/19/2002 Estt(D) Dt. 5.5.2003 | | | Remarks |
|--------|----------------------|---------------------|---------------|---------------------------------|--|-----------|----------------------------|--------------------------------|--|--|----|----|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 1 | Paritosh Chakraborty | Ex-Acctt. Group "C" | 2.1.5,1998 | Rs. 1,87,075/- | Mother-pensioner Brother-Small Pan Shop Brother-unemployed | Brother | NIL | 4.8.1998 | Rs. 2150 | 4 | 11 | 15 | Not eligible since the case is more than 3rs old, but relaxation under the rule has been sought from Headquarter's Office |
| 2 | Harilal Sharma | Ex-C/T Group "C" | 12.8.1999 | Rs. 2,36,628/- | Wife-Not employed 3 Daughter - do- 2 Sons do- | Son | NIL | 13.1.200 | Rs. 1825 | 3 | 8 | 24 | Not eligible since the case is more than 3 yrs old, etc. |

13 Pending

The widow has been informed vide letter no. 2621 dt 9-9-03

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-41-

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | |
|----|-----------------------------|------------------------------------|------------|-------------|--|----------|---|------------|---------|----|----|----|---|
| 3. | K. Megho Singh | Ex-Sr.DAO Group "B" Gazetted | 4.11.1999 | Rs.5,28,896 | Wife-Not employed 4 Sons - do- 1 Daughter -do- | Son | Scooter/- Rs.90,000 Immovable property | 28.1.2000 | Rs.4625 | 3 | 6 | 1 | -do- The widow has been informed vide letter no Estt 1/2620 dt 9-9-03. |
| 4. | Sukman Rizal | Ex-Driver, Grade I Group "C" | 27.11.1999 | Rs.3.50.404 | Wife-Not employed 3 Sons (1 son got employment as Watcher) | Son | NIL | 12.1.2000 | Rs.2800 | 3 | 5 | 8 | -do- The widow has been informed vide letter no Estt 1/2622 dt 9-9-03. |
| 5. | Bhogirath Machahari | Ex-Acctt. Group "C" | 14.2.2000 | Rs.1.13.886 | Wife-Working as Typist in Assam Secretariat T.E.Rs.5,137/- P.M. 1 Daughter- Unemployed | Daughter | NIL | 30.5.2000 | Rs.2000 | 3 | 2 | 22 | -do- The widow has been informed vide letter no Estt 1/2626 dt 9-9-2003. |
| 6. | Celestine langrai | Ex-SGRK Group "C" | 22.10.2000 | Rs.2.31.008 | Wife-Not employed 4 Sons-Not employed 2 Daughters-Not employed | Son** | NIL | 7.3.2001 | Rs.2015 | 2 | 6 | 14 | |
| 7. | Abdul Hanan | Ex-C/T Group "C" | 21.9.1998 | Rs.82.738 | Mother-Pensioner Brother-employed in Pvt.Firm Brother-Booking Clerk in NFRL Brother-Steno in AG(A&E), Assam. | Brother | NIL | 27.8.2001 | NIL | 4 | 7 | 15 | Not eligible as the case is more than 3 yrs old of the widow has been informed vide letter no Estt 1/2625 dt 9-9-2003. |
| 8. | Supriya Ranjan Choudhury | Ex-Sr.Acctt. Group "C" | 26.2.1992 | Rs.73.697 | Wife-employed in BSNL T.E.Rs.8,500/- P.M. 2 Daughters- unemployed | Daughter | NIL | 19.11.2001 | Rs.1500 | 10 | 2 | 10 | Not eligible as the Case is more than 3 yrs old and the widow has been informed |

** the application for Compassionate appointment in favour of daughter was subsequently changed to son.

67

42 -

48

-3-

| | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | | |
|-----|-------------------------|------------------------------------|-----------|---|---|---------|-----|-----------|-----------|----|----|----|--|
| | Mawshai Singh Paswett | Ex-C/T Group "C" | 1.2.2002 | Rs.1.39.169 | Wife-employed in GD Hospital T.E. Rs.8,000/- P.M. 4 Daughters-All unemployed 1 Son-Unemployed | Son | NIL | 9.5.2002 | Rs.1862 | 1 | 3 | 4 | |
| 10. | Rajib Chakraborty | Ex-Sr.Acctt Group "C" | 10.6.2002 | Rs.200331/- | Brother | Brother | | 5.9.2002 | | 00 | 10 | 26 | |
| 11. | Sunil Ch. Ghosh | Ex-DAO II Group "B" (Non Gazetted) | 5.5.2000 | Information Not received F.P = Rs. 3450/- D.C.R.G. = Rs. 314226/- | Information Not received | Son | | 10.2.2003 | Rs.3450/- | 3 | 0 | 0 | Though the application was received in D.A Cell on 15.11.2001 the case was forwarded to Estt-I Section only on 10-2-2003 |
| 12. | P.Kensheng Naga | Ex-DA Group "C" | 21.8.2002 | Rs.3.82.157 F.P under process. | Wife-Unemployed 2 Sons -do- 2 Daughter -do- | Son | NIL | 28.1.2002 | Rs.3325/- | 00 | 8 | 15 | |
| 13. | Evarine Charlotte Warji | Ex-DEO Group "C" | 19.4.2003 | Rs.127274/- | Mother - Unemployed Teacher and draws salary Rs. 4000/- p.m. and draws pension Rs. 3250/- p.m. 2 Brothers -do- 1 Sister -do- unemployed | Sister | NIL | 13.5.2003 | Rs.3250/- | 00 | 00 | 17 | |

** F.P = Rs. 3450/- p.m.

D.C.R.G. = Rs. 3,14,226/-

* as per information furnished by Guwahati office to Sr. DAG (A)

Teacher and draws salary Rs. 4000/- p.m. and draws pension Rs. 3250/- p.m. 2 Brothers -do- 1 Sister -do- unemployed

Establishment Officer

85

68 - 48 -
REGISTERED

Amexm-IX

OFFICE OF THE ACCOUNTANT GENERAL (A&E) MEGHALAYA::ETC::
SHILLONG

No.Estt.I/PC/CG/AR/2000/6352

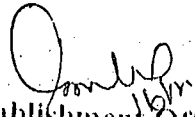
Dated: 16-3-2006

To:

Smti Koijam Ongbi Mikoisana Devi,
W/o (L) K. Magho Singh, Ex. Sr.Divisional Accounts Office
Thangmeiband Khuyathong, Polem Lackai
Imphal West-795001

Sub: Compassionate Appointment.

With reference to her application dated 6-9-2003 on the subject cited above, Smti Koijam Ongbi Mikoisana Devi, is hereby informed that her case for appointment of her son Koijam Amarjit on compassionate Ground was considered in terms of Govt. of India Ministry of Personnel, Public Grievances and Pension, Deptt. of P & T, New Delhi O.M.No. 14014/6/94-Estt(D) dt. 9.10.1998, No. 14014/23/99 -Estt(D) dated 3.12.1999, F.No. 14014/11/2002-Estt(D) dated 29.4.2003 and No. 14014/19/2002-Estt(D) dated 5.5.2003 and Hqr. Office circular No. NGE/11/2003 issued under No. 121-NGE/21-2003/Vol.I dt. 19.2.2003 but cannot be acceded to as the case is more than 3 yrs old and terminal benefit exceeded the prescribed limit.


Establishment Officer

69- 43- Annexure (193)
67
REGISTERED

OFFICE OF THE ACCOUNTANT GENERAL (A&F) MEGHALAYA ETC.,
SHILLONG

No. Estt-J/PC/CG/AR/2000/2620

Dated 03-09-2003

To

Smti Koijam Ongbi Mikoisana Devi
W/o (late) K. Megho Singh
Ex-Sr. Divisional Accounts Officer,
Thangmeiband Khuyathong, Polem Lackai,
Imphal West-795001.

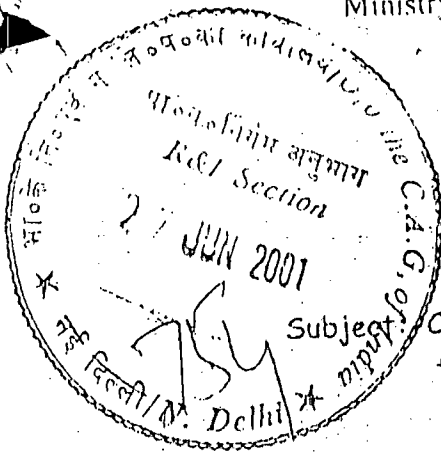
Sub: Compassionate appointment.

With reference to her applications dated 29-12-1999 and dated 5-4-2003 on the subject cited above, Smti K.O. Mikoisana Devi is hereby informed that the request for compassionate appointment of her Son Koijam Amarjit cannot be acceded to and thus the same is regretted.

Sr. Deputy Accountant General (Admin)

New Delhi 110001

June 22, 2001

OFFICE MEMORANDUM

Subject: Compassionate Appointment - Recommendation by the Committee limited to availability of vacancy.

The undersigned is directed to refer to paragraph 7(f) of the Department of Personnel and Training (DoP&T) Office Memorandum (O.M.) No.14014/6/94-Estt(D) dated October 9, 1998 read with O.M.No.14014/23/99-Estt(D) dated December 3, 1999 on the above subject and to say that the matter has been further examined. Generally it is seen that in view of the 5% ceiling prescribed for compassionate appointment under the extant instructions, there are not enough vacancies to accommodate even requests for compassionate appointment from family members of Government servants belonging to the same Ministry/Department/Office. Consequently, there are no spare vacancies left to accommodate requests from other Ministries/Departments/Offices for such appointment. Therefore, while no useful purpose is being served by taking up the matter with other Ministries/Departments/Offices of the Government of India to consider such other cases received by them from other Ministries/Departments/Offices for compassionate appointment, it on the other hand only gives false hope to the applicants as grant of such appointment by other Ministries, etc. cannot be guaranteed. It has, therefore, been decided that in future the Committee prescribed in paragraph 12 of Office Memorandum dated October 9, 1998 for considering a request for appointment on compassionate grounds should take into account the position regarding availability of vacancy for such appointment and it should limit its recommendation to 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 in the concerned administrative Ministry/Department/Office, that too within the ceiling of 5% of vacancies falling under DR quota in any Group 'C' or 'D' post prescribed in this regard in para 7(b) of Office Memorandum dated October 9, 1998 referred to above.

2576N(APP)

21/7/2001

.....2/-

45 - 46 - 2 - 89
3. The instructions contained in the Office Memoranda referred to above shall be modified to the extent mentioned above.

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

5. Hindi version will follow.

S.K.

(K. K. JHA)

DIRECTOR (Establishment)

To

All Ministries/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 Secretariat
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 Officers/Sections of DoP&T
13. Facilitation Centre, DoP&T - 20 spare copies
14. Establishment (D) Section (500 copies)

147-335
66

F.No.14014/11/2002-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, dated the 29th April, 2003

OFFICE MEMORANDUM

SUBJECT: Compassionate appointment – Compliance with the instructions.

The undersigned is directed to say that requests for compassionate appointments are to be regulated strictly according to the instructions issued by this Department in this regard. However, it has been brought to the notice of this Department that the instructions have not been followed strictly in some Departments.

2. All Ministries/Departments are therefore requested to monitor compassionate appointments including those in their Attached/subordinate offices so that no deviation from the instructions take place.

3. Hindi version will follow.

Vidhu Kashyap
(Vidhu Kashyap)
Director(JCA)
Ph.No.23092589

To:

All Ministries/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 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 Bhavan, New Delhi.
12. All Officers/Sections of Department of Personnel & Training.
13. Facilitation Centre, DOP&T - 20 spare copies.
14. Establishment(D) Section (500 copies)

संख्या - 14014/11/2002 - स्थापना (11)

भारत-सरकार

कार्मिक, लोक-शिकायत तथा पेंशन-मंत्रालय
(कार्मिक और प्रशिक्षण-विभाग)

नई दिल्ली, दिनांक अप्रैल 29, 2003

कार्यालय-ज्ञापन

विषय: अनुकंपा के आधार पर नियुक्ति के बारे में जारी किए गए अनुदेशों का अनुपालन।

अधोहस्ताक्षरी को यह कहने का निर्देश हुआ है कि अनुकंपा के आधार पर नियुक्ति के अनुरोध, इस बारे में इस विभाग द्वारा जारी किए गए अनुदेशों का कड़ाई से अनुपालन करते हुए निम्नलिखित किए जाने अपेक्षित हैं। फिर भी, इस विभाग के ध्यान में यह लाया गया है कि कुछ विभागों में उपर्युक्त अनुदेशों का कड़ाई से अनुपालन नहीं किया जा रहा है।

- अतः सभी मंत्रालयों/विभागों से यह अनुरोध है कि वे अपने सभी संबंध/अधीनस्थ कार्यालयों सहित अपने यहाँ अनुकंपा के आधार पर की जाने वाली नियुक्तियों के मामले मॉनीटर करें ताकि इन नियुक्तियों के किसी भी मामले में उपर्युक्त अनुदेशों से विचलन करके उनकी अवहेलना नहीं की जाए।

On 24

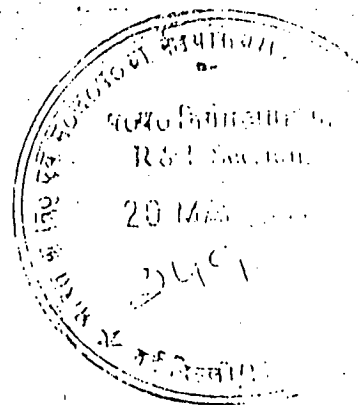
(विद्युत करार)

निदेशक, संयुक्त परामर्शदात्री सचिव
और अनिवार्य विभाग
दूरभाष: 23032

संज्ञा में

भारत-सरकार के सभी मंत्रालय/विभाग। 3-11-02

Gr II
484 3723 (निर्देशित)
22/5/03



2nd Judge Copy

কেন্দ্রীয় প্রশাসনিক আদালত
Central Administrative Tribunal

74 7

(10)

- 6/12/2006

গুৱাহাটী বেঞ্চ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

92
RECEIVED
S. J. G. B. S.
ADVOCATE
of 12/10/06

ORIGINAL APPLICATION NO. 242 OF 2006

BETWEEN

Shri Koijam Amarjit Singh,

... .. Applicant.

- Versus -

1. The Union of India & 4 Ors.

... .. Respondents.

I N D E X

| Sl.No. | Annexure(s) | Particular(s) | Page(s) |
|--------|-------------|--------------------------------------|---------|
| (1) | (2) | (3) | (4) |
| 1. | | Reply Statement with verification | 01 - 06 |

Dated/Imphal,
The 6th December 2006

By :- sd/r
Advocate

Signature of the Applicants.

sd/r

75- 97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

ORIGINAL APPLICATION NO. 242 OF 2006

BETWEEN

Shri Koijam Amarjit Singh, aged about 23 years, S/o

(late) K. Megho @ Megha Singh of Khoyathong Polem

Leikai, P.S. Lamphel, Imphal West District, Manipur.

... .. Applicant.

- Versus -

1. The Union of India
2. The Accountant General (A&E),
Meghalaya, Shillong.
3. The Accountant General (A&E),
Manipur.
4. The Chief Engineer,
Public Works Department,
Government of Manipur.
5. The Executive Engineer,
Imphal East Division, P.W.D.,
Government of Manipur.

... .. Respondents.

A N D

IN THE MATTER OF:

Reply statement on behalf of the Respondent Nos.

4 and 5.

MOST RESPECTFULLY SHEWETH:

1. That, the answering Respondents deny all the allegations/statements made by the Applicant except those which have been specifically admitted hereinbelow.
2. That, with reference to para Nos.1 to 4.7, the answering Respondents have no comment to offer as they are matters of records.
3. That, with reference to para No.4.8 and 4.9, the answering Respondents beg to state that with reference to letter No.Estt-I (M)/PC/CE/AR/2000/3950 dated 3.3.2000 of the Establishment Officer (M), Shillong, the Petitioner submitted a Representation dated 12.4.2000 along with relevant particulars to the Accountant General (A & E), Meghalaya, Shillong for compassionate appointment (Annexure-A/7 and A/7(Colly) to the Application).

4. That, with reference to para No.4.10, the answering Respondents beg to state that the Senior Deputy Accountant General (Admn) under his letter No.Estt/PC/CG/AR/2000/2620 dated 9.9.2003 informed the Petitioner's mother, Smt. K. (O) Mikoisana Devi that the prayer for compassionate appointment of her son Shri Kojam Amarjit Singh cannot be acceded to (Annexure-A/9 to the Application).

5. That, with reference to para No.4.11, the answering Respondents beg to state that as the service of late Shri K. Megho Singh, Ex-Divisional Accounts Officer was absorbed in the Accountant General's Cadre and he was a permanent employee of the Accountant General (A&E), Shillong, Meghalaya and as such the matter of compassionate appointment of the petitioner in the Public Works Department, Manipur can not be entertained.

Further, it is submitted that the authority for consideration of appointment of the Petitioner under the Die-in-harness Scheme is the Accountant General (A & E), Shillong, Meghalaya and not the State Government as the deceased Government servant's lien was in the Accountant General's Cadre.

6. That, with reference to para No.4.12, the answering Respondents have no comment to offer as the same is matter of record.

Lt 3/absorbed

7. That, the answering Respondents beg to submit that the benefit for consideration of appointment under the Die-in-harness Scheme is given to those families of the Government employees where their service liens are maintained as admissible under the Rule in force from time to time.

8. That, with reference to para no.5, the answering Respondents beg to submit that no further reply is called for as the adequate answer has already been given in para Nos.4.5 and 7 of the reply statement and as such no question of violation of Article 14 of the Constitution of India and violation of statutory right does arise.

9. That, the answering Respondents beg to submit that the Public Works Department is not the Competent Authority for giving appointment on compassionate ground under the die-in-harness and as such the names of the Respondent Nos.4 and 5 be struck off from the present case as the Respondent Nos.4 and 5 have nothing to do with the present case.

10. That, with reference to para Nos.6 and 7, the answering Respondents have no comment to offer as they are matter of records.

11. That, with reference to para Nos.8 and 9, the answering Respondents beg to submit that no case has been made out by the Applicant for grant of the relief sought for by him and as such the Respondent Nos.4 and 5 beg to pray that the Hon'ble Tribunal may graciously be pleased to dismiss the Application filed by the Applicant as there is no merit for consideration as the ends of justice may call for.

SIGNATURE OF THE RESPONDENTS
NO.4 AND 5,

Dated/Imphal.
The 4th December, 2006

By :-

Advocate

VERIFICATION

I, Ng. Rastrapati Singh, S/o (Late) Ng. Budhichandra Singh aged about 57 years old, a resident of Singjamei Chirom Leikai, P.O. & P.S.Singjamci, Imphal West District, Manipur, Chief Engineer, Public Works Department, Government of Manipur, the Respondent No.4 do hereby verify that the contents of para Nos. 1 to 9 are true my personal knowledge and records and para Nos. 10 and the rest are believed to be true on legal advice and that I have not suppressed any material fact.

Dated : The 4th Dec., 2006

Place : Imphal, Manipur.

SIGNATURE

sq/-

-81- *an*

IN THE ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH AT
GUWAHATI

ORIGINAL APPLICATION NO. 242 OF 2006.

K. Amarjit Singh

..... Applicant.

- Versus -

The Union of India and 4 ors.

..... Respondents.

Sub :- Notice of filing Reply Statement on behalf of the
Respondent Nos. 4 and 5.

To,

1. Dr. N. K. Singh,
Advocate
Counsel for the Applicant.
2. Ms. U. Das,
C.G.S.C.
Counsel for the Respt. Nos. 1 to 3.

Dear Sir/Madam,

Please find enclosed herewith a copy of the Reply statement along
with Leave Application which I am filing today before the Hon'ble Tribunal
on behalf of the Respondent Nos. 4 and 5.

Please acknowledge to receipt the same.

Dated, at Guwahati on this the 6th day of December, 2006.

Received a similar copy :

1. *msd 6-12-06*
(Dr. N.K. Singh)
Counsel for the Applicant.

2.

(Ms. U. Das)
C.G.S.C.
Counsel for the Respondent Nos. 1 to 3.

Yours Sincerely,

sd/r

(S. Jasobanta Singh)
Advocate,
C/O Ibotombi Namoijam,
Advocate.