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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 282/2007

R.A/C.P No. 1

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SECTION OFFICER (Judl.)

Hahla  
10/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

1. Original Application NO. 282/07

2. Misc Petition No. \_\_\_\_\_

3. Contempt Petition No. \_\_\_\_\_

4. Review Application No. \_\_\_\_\_

Applicant(S) Smt. Kirtan Kumari VS Union of India & Ors

Advocate for the Applicants... Adil Ahmed .....

... Smt. S. Bhattacharya .....

Advocate for the Respondant(S) Mr. C.G. Se. G. Baishya .....

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed in the Registry deposited with the Registry No. <u>326/040852</u> Dated <u>20.8.07</u>	05.11.2007	Issue notice to the Applicant as well as the Department. Call this matter on 18.12.2007.
<u>Dis.</u>	/bb/	Member (A)
<u>Petitioners' copy is being issued notices are received with the envelope standing counsel for the respondents are present</u>	18.12.2007	Despite notices no written statement has yet been filed in this case; in which there is a prayer for compassionate appointment. Call this matter on 31.01.2008 expecting counter/written statement from the respondents.
<u>Counsel for the respondents prays for four weeks time to file written statement. Prayer is granted</u>	04.03.2008	Send copies of this order to all the respondents in the address given in the Original Application. Free copies of this order be supplied to Mr. G. Baishya, learned Sr. Standing counsel for the Union of India.

Date

Order of the Tribunal

This application is in form is filed in the Registry deposited with the Registry No. 326/040852 Dated 20.8.07

05.11.2007

Issue notice to the Applicant as well as the Department. Call this matter on 18.12.2007.

Member (A)

/bb/

18.12.2007

Despite notices no written statement has yet been filed in this case; in which there is a prayer for compassionate appointment.

Call this matter on 31.01.2008 expecting counter/written statement from the respondents.

Send copies of this order to all the respondents in the address given in the Original Application. Free copies of this order be supplied to Mr. G. Baishya, learned Sr. Standing counsel for the Union of India.

Contd.....

ml

Notice & order to be issued to D/Section for issuing to resp. nos. 1 to 4 of regd. A/D post.

Copy of D/No-1371 to be filed in the file 1374

OA-282/07

Contd.  
18.12.2007

Notice duly served

on R-1, 3

Mr.A.Ahmed, learned counsel for the Applicant undertakes to supply a copy of this Original Application to Mr.G.Baishya in course of the day.

(M.R.Mohanty)  
Vice-Chairman

Notice duly served

on R.No-1 & 3.

/bb/

17.12.07  
Dt. 18.12.07 31.01.2008

Pl. send order to all the respondents and a free copy be served on the Sr.CSC Mr. G. Baishya.

No written statement has yet been filed in this case. Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Union of India seeks adjournment for filing of written statement.

Call this matter on 4<sup>th</sup> March, 2008 awaiting written statement from the Respondents.

Order dt. 18/12/07 sent to D/Section for issuing to the respondents and another copy issuing to Mr. G. Baishya, Sr. C.C.S.C.

(Khushiram)  
Member(A)

(M.R.Mohanty)  
Vice-Chairman

24/12/07 D/No-1962 to 1966  
Dt- 28/12/07

Mr.A.Ahmed, learned counsel appearing for the Applicant is present. Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents are present. Counsel for the Respondents prays for four weeks time to file written statement. Prayer is granted.

Call this matter on 04.04.2008.

Notice duly served

on R-1, 2 & 3.

(Khushiram)  
Member(A)

W/s not filed.

3.3.08

W/s not filed.

lm

04.04.2008

Written statement filed in Court to-day; after serving a copy on the learned counsel appearing for the Applicant.

Call this matter on 22<sup>nd</sup> April, 2008, for final disposal. Rejoinder, if any, may be filed before 21<sup>st</sup> April, 2008.

(Khushiram)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

lm

22.04.08

Call this matter on 02.05.2008 for hearing.

(M.R. Mohanty)  
Vice-Chairman

pg

02.05.2008

For the reasons recorded separately, the O.A. stands disposed of.

lm

(Khushiram)  
Member(A)

8.5.08

Copy of the budget sent to the office for issuing the rule to the parties along with copy to the Advocate for the parties.

14.5.08

Sum vide D/No. 2235 to 2242 dated 12.5.08 under rule 1/Advocate.

9.4.08

W/s filed by the Respondents. copy served.

As.

Rejoinder not filed.

21.4.08.

Rejoinder not filed.

01.05.08

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No 282 of 2007

DATE OF DECISION: 02.05.2008

Smti Kiran Kumari

.....Applicant/

Mr. A.Ahmied

..... Advocate for the  
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Mr.G. Baishya, Sr.C.G.S.C

..... Advocate for the  
Respondents

CORAM

THE HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the Judgment? ~~Yes/No~~
2. Whether to be referred to the Reporter or not? ~~Yes/No~~
3. Whether their Lordships wish to see the fair copy of the Judgment? ~~Yes/No~~

Vice-Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.282 of 2007

Date of Order: This the 2<sup>nd</sup> Day of May, 2008.

**HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER**

Smti Kiran Kumari Singh  
Daughter of Late Ram Prit Singh  
Ex-Pump House Operator  
MES No.224892  
C/O Ram Ashish Singh  
Quarter No.219  
Army Cantt.Satgaon  
Narangi,  
Guwahati-781027

Applicant

By Advocate Mr.A.Ahmed

-Versus-

1. The Union of India  
Represented by the Secretary to the Government of India,  
Ministry of Defence,  
101 South lock,  
New Delhi-1
2. The Chief Engineer  
Kolkata zone  
Minitary Engineering Services  
Ballygunge Maidan Camp  
Gurusaday Road  
Kolkata-700019
3. The Chief Engineer  
Shillong Zone  
SE Falls  
Shillong-11
4. The Garrison Engineer, Narangi  
Post Office-Satgaon  
Guwahati-781027

By Mr.G.Baishya, Sr.C.G.S.C.



ORDER (ORAL )

KHUSHIRAM, MEMBER(A):

Heard Mr.A.Ahmed learned counsel appearing for the Applicant and Mr.G.Baishya, learned Sr.Standing Counsel appearing for the Respondents.

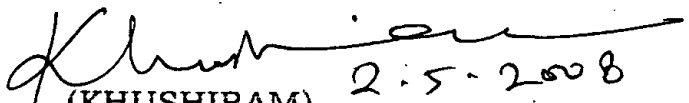
2. In this case the Respondents in Para 7 of their written statement have stated that "because of non-availability of some relevant document to decide the case of the Applicant as the Applicant failed to furnish them and took a long time to furnish them." The case of the Applicant could not be considered because of lapse of the reasonable period and they rejected the claim of the Applicant on compassionate ground. The Respondents have not stated as to what documents the Applicant failed to submit on sufficient reasons. In the written statement it has also been sated that the case of the Applicant was considered by the Respondents with reference to the regular financial support of family pension, terminal benefits as well as immovable assets available with the Applicant's family and have come to the conclusion that the Applicant's case is not a fit case for appointment on compassionate ground.

3. From these facts it is not clear whether the Applicant's case for compassionate appointment has been considered on three ~~occasions~~ consecutively, as per policy of the Government? Since it is not apparent whether the case of the Applicant has been considered according to the policy for compassionate appointment, the Respondents are directed to reconsider the matter in the light of



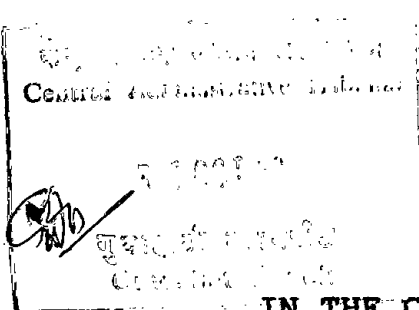
existing policy and pass a reasoned and speaking order within a period of three months from the date of receipt of this order.

Accordingly the matter stands disposed of. No costs

  
(KHUSHIRAM) 2.5.2008  
ADMINISTRATIVE MEMBER

LM





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 282 OF 2007.

Smti Kiran Kumari

...Applicant

-Versus-

The Union of India & Others

...Respondents

LIST OF DATES

- |            |  |
|------------|--|
| 28-01-1993 | Applicant's parents expired due to electrical shock.   |
| 10-03-1995 | Applicant filed representation before the Respondents for compassionate appointment.   |
| 02-09-2002 | Applicant filed representation before the Respondents for compassionate appointment.   |
| 07-11-2005 | Applicant's representation was forwarded by the Respondent No. 2 to the Respondent No. 3.  |
| 07-08-2007 | Applicant's claim for appointment on compassionate ground was rejected by the Office of the respondent No. 3, i.e. after fourteen years of filing representation by the Applicant for appointment on compassionate ground. |

Smti Kiran Kumari

... Applicant -  
Through - Smti Bhattacharya  
(Advocate - Bar No. 1511)

कुमारी किरण सिंह

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 282 OF 2007.

Smti Kiran Kumari

...Applicant

-Versus-

The Union of India & Others

...Respondents

SYNOPSIS:

The Applicant is the daughter of MES No. 224892 Late Ram Prit Singh who was working under the Office of the Respondent No. 4 as Pump House Operator. On 28<sup>th</sup> January 1993, both the parents of the Applicant died, due to electric shock. At the time of death the Applicant's father was working in the office of the Respondent No. 4. The Applicant immediately after the death of her parents filed a representation before the Concerned Authority with all original documents, for appointing her on Compassionate Ground in any Group- D post under the Respondents. But the Respondents did not take any steps in this regard. Thereafter also she filed many representations before the Respondents for taking immediate steps in this regard. The Respondent No. 2 i.e. the Chief Engineer Kolkata Zone vide his letter No 80522/2/6134/ElC (2) dated 7<sup>th</sup> November 2005 informed the Respondent No. 3 i.e. the Chief Engineer, Shillong Zone, that "Original application in respect of Miss Kiran Kumari

FILED BY 10

Smti Kiran Kumari

... Applicant -

Through Smti Bhattacharya  
(Advocate)

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received by this zone erroneously is forwarded herewith along with connected documents for your further action." The aforesaid action was taken by the Respondents after twelve years of filing representation by the Applicant. The Office of the Respondent No. 3 vide their letter No. 70201/9/SO/311/EIC (2) dated 7<sup>th</sup> November 2007 rejected the claim of the Applicant for appointment on compassionate ground after fourteen years. The Office of the Respondent No. 3 issued the impugned rejection letter in a whimsical and mechanical manner. As such she is now compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 282 OF 2007.

Smti Kiran Kumari

...Applicant

-Versus-

The Union of India & Others

...Respondents

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Date- 31-10-2007

Filed by

Smita Bhattacharjee  
ADVOCATE

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1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 282 OF 2007.

BETWEEN

Smti Kiran Kumari Singh  
Daughter of  
Late Ram Prit Singh  
Ex-Pump House Operator  
MES No.224892  
C/o Ram Ashish Singh  
Quarter No.219  
Army Cantt. Satgaon  
Narengi,  
Guwahati-781027

...Applicant

-AND-

1. The Union of India  
Represented by the  
Secretary to the Government  
of India, Ministry of  
Defence,  
101 South Block,  
New Delhi-1.
2. The Chief Engineer  
Kolkata Zone  
Military Engineering  
Services  
Ballygunge Maidan Camp  
Gurusaday Road  
Kolkata-700019
3. The Chief Engineer  
Shillong Zone  
SE Falls  
Shillong-11
4. The Garrison Engineer  
Narengi  
Post Office- Satgaon  
Guwahati-781027.

...Respondents

FILED BY 13  
Smti. Kiran Kumari  
... Applicant  
Through: Smta Bhattacharya  
(Advocate)

कमारी किरन सिंह

### DETAILS OF THE APPLICATION

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

The Application is made against the Impugned Order No.70201/9/SO/311/EIC (2) dated 7<sup>th</sup> August 2007 by the Office of the Respondent No.3 whereby Applicant appointment on compassionate ground was rejected.

2) JURISDICTION OF THE TRIBUNAL:

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

3) LIMITATION:

The Applicant declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your humble Applicant is a citizen of India and as such she entitled to all rights and privileges guaranteed under the Constitution of India. She is now aged about 25 years.

4.2) That your Applicant begs to state that she is the daughter of MES No. 224892 Late Ram Prit Singh who had served as Pump House Operator under the Office of the Respondent No.4 i.e. Office of the

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Garrison Engineer, Narengi, Guwahati-27. Ram Prit Singh was expired on 28<sup>th</sup> January 1993 while he was working under the Office of the Respondent No.4. It is to be stated that Ram Prit Singh expired due to accidental electrical shock along with his wife on the same day. At the time of his death he left behind his two daughters i.e the Applicant and her younger sister Smti. Ranju Kumari who was aged about 11 years and 7 years respectively.

Photocopy of death certificate issued by the East End Nursing Home, Guwahati dated 28.01.1993 is annexed herewith and marked as ANNEXURE-A.

Photocopy of the Photograph of the parents of the Applicant at the time of their death along with the Applicant is annexed herewith and marked as ANNEXURE-B.

4.3) That your Applicant begs to state that after the death of her father and mother, she immediately filed a representation along with all original documents before the Authority Concerned for appointment on Compassionate Ground. Thereafter, she also filed many representations before the Respondents for taking immediate steps in this matter.

Photocopy of the Representation dated 10<sup>th</sup> March 1995 is annexed herewith and marked as ANNEXURE-C.

Photocopy of the representation to the E-IN-CS Br A.H.Q. D.H.Q.-po

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Delhi-11 is annexed herewith and marked as ANNEXURE-D.

Photocopy of the representation dated 02-09-2002 is annexed herewith and marked as ANNEXURE-E.

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

4.5) That your Applicant begs to state that she being the elder sister has to look after her only sister who is now aged about 21 years. There is no other source of income like agricultural income etc. from where they can earn their livelihood. They are living at the mercy of their relatives who are helping them since expiry of their parents. Now the relatives are not inclined to help further to them as they are overburdened with financial constrain. Due to this they are at the verge of starvation.

4.6) That your Applicant begs to state that the Respondent No. 2 i.e. the Chief Engineer Kolkata Zone vide his letter No 80522/2/6134/E1C(2) dated 7<sup>th</sup> November 2005 informed the Respondent No. 3 i.e. the Chief Engineer, Shillong Zone, that "Original application in respect of Miss Kiran

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Kumari received by this zone erroneously is forwarded herewith along with connected documents for your further action". It is to be stated that the aforesaid steps and action was initiated by the Respondents for consideration of appointment of the Applicant on compassionate ground after more than 12 (twelve) years of the expiry of Applicant's parents.

Photocopy of the letter No. 80522/2/6134/E1C(2) dated 7<sup>th</sup> November 2005 issued by the Office of the Respondent No. 2 to the Respondent No. 3 is annexed herewith and marked as ANNEXURE-F.

4.7) That your Applicant begs to state that the Office of the Respondent No.3 vide their letter No.70201/9/SO/311/EIC (2) dated 7<sup>th</sup> August 2007 rejected the claim of the Applicant for appointment on compassionate ground after 14 (fourteen) years of expiry of her parents. The Rejection Order passed by the Office of the Respondent No.3 is mechanical, whimsical and without application of proper mind.

Photocopy of the letter No.70201/9/SO/311/EIC (2) dated 7<sup>th</sup> August 2007 issued by the Respondent No.3 is annexed herewith and marked as ANNEXURE-G.

4.8) That your Applicant begs to state that in the Rejection Order the Office of the Respondent No.3 has quoted the DOPT instructions and Hon'ble Supreme Court Ruling on the subject of compassionate appointment. The Office of the Respondent No.3 in their Rejection Order in

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paragraph 4 has stated " According to the information available on record, the following is the position / status of the family of the deceased government servant:-

(a) The death of the Government Servant occurred on 28 Jan 1993. His wife, 02 daughters survive him. The deceased govt. servant's family received Rs.57,413/- as terminal benefits. At present they are in receipt of monthly pension of Rs.1,275/-". The Respondents have also stated in their Rejection Letter that few vacancies are available but the Applicant cannot be appointed in the said post as there is more deserving cases.

The aforesaid statement made by the Office of the Respondent No.3 is false and misleading. The Applicant's father and mother both expired on the same dated i.e. on 28<sup>th</sup> January 1993 due to accidental electrical shock. At the time of death of Late Ramprit Singh, he left behind his two minor daughters including the Applicant who were aged about 11 (eleven) & 7 (seven) years respectively. The terminal benefit of Rs.57,413/- (Rupees Fifty seven thousand four hundred thirteen) only was received by the Applicant and her sister in various installment within five years. The Controller of Defence Accounts, Alahabad had also reduced the gratuity amount of the Applicant's father from Rs.23,000/- to Rs.16,000/- due to non-completion of 20 years of service of the Applicant's father. The Applicant's father expired just before three days for completion of his 20 years service. After 14 (fourteen) years the Respondents have rejected the

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claim of the Applicant for appointment on compassionate ground. The ground taken by the Respondents are sustainable in the eye of law as well as facts of the case. The case of the Applicant is genuine case and deserved to be considered for appointment on compassionate ground.

4.9) That your Applicant begs to state that her father Late Ram Prit Singh MES No. 224892, Ex-Pump House Operator, rendered his service under the Respondent No.4 with sincerity and devotion to his duty till his death.

4.10) That your Applicant begs to state that she is suffering from mental depression due to non-appointment by the Respondents in any Group-D post in spite of being that her case is genuine and needs sympathetic consideration. There is not a single person in the family of the Applicant who has a Government or Semi Government job.

4.11) That your Applicant begs to state that for last 14 (fourteen) years she is on expectation that her case will be considered by the Respondents for appointment on compassionate ground. Now, she is frustrated due to rejection of her case for appointment on compassionate ground.

4.12) That your Applicant begs to state that non-appointment of the Applicant on compassionate ground by the Respondents have deprived the Applicant from her fundamental rights guaranteed under the Constitution of India.

4.13) That the Applicant humbly submits that the applicant has right to live and right to work as

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

4.14) That your Applicant submits that she is running from pillar to post for appointment on compassionate ground. As such it is a fit case to be interfered by this Hon'ble Tribunal by setting aside and quash the Impugned Rejection Order No.70201/9/SO/311/EIC (2) dated 7<sup>th</sup> August 2007 and the Hon'ble Tribunal may be pleased to direct the Respondents to consider the Applicant's case for compassionate appointment in any Group-D post.

4.15) That your Applicant submits that she should be appointed immediately in any Group-D post under the Respondents.

4.16) That the Applicant demanded justice and the same has been denied to her.

4.17) That this application has been filed bona fide to secure the ends of justice.

5) GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in prima facie illegal, mala fide, arbitrary and without jurisdiction.

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5.2) For that, the action of the Respondents in prima facie is mala fide, illegal and with a motive behind. As such, the action of the Respondents is illegal, arbitrary and also violative of the natural justice. Hence, the Impugned Rejection Order No.70201/9/SO/311/EIC (2) dated 7<sup>th</sup> August 2007 liable to be set aside and quashed.

5.3) For that the Respondents have rejected the claim of the Applicant after 14 years of submitting the Representation for compassionate appointment. Moreover, after 12 years the Respondents had placed the Representation of the Applicant before the competent Authority. Hence, the Impugned Rejection Order No.70201/9/SO/311/EIC (2) dated 7<sup>th</sup> August 2007 liable to be set aside and quashed.

5.4) For that, due to negligence and lashes on the part of the Respondents the Applicant cannot be allowed to suffer. Hence, the Impugned Rejection Order No.70201/9/SO/311/EIC (2) dated 7<sup>th</sup> August 2007 liable to be set aside and quashed.

5.5) For that, last 14 (fourteen) years the Applicant under apprehension that her case will consider by the Competent Authority. However, the Respondents had rejected the claim of the Applicant in a mechanical and whimsical manner. That too also after 14 (fourteen) years of her Representation for compassionate appointment. Hence, the Impugned Rejection Order No.70201/9/SO/311/EIC (2) dated 7<sup>th</sup> August 2007 liable to be set aside and quashed.

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5.6) For that, the Applicant case is genuine and pathetic as both the parents were expired on the same day leaving behind their two minor children. Hence, the Impugned Rejection Order No.70201/9/SO/311/EIC (2) dated 7<sup>th</sup> August 2007 liable to be set aside and quashed.

5.7) For that, the Respondents have committed mental torture on the Applicant for last 14 years without her fault. Hence, the Impugned Rejection Order No.70201/9/SO/311/EIC (2) dated 7<sup>th</sup> August 2007 liable to be set aside and quashed.

5.8) For that, the Respondents have violated the fundamental rights guaranteed under Article 14, 16 & 21 of the Constitution of India.

5.9) For that, it is not just and fair to deprive the Applicant from getting appointment on compassionate ground by the Respondents.

5.10) For that the Central Government being a model employer cannot be allowed to adopt a differential treatment to the Applicant.

5.11) For that, similarly situated persons have already got the benefits of appointment on compassionate ground. As such the Respondents should also consider the case of the Applicant.

5.12) For that, in any view of the matter the action of the Respondents are not sustainable in the eye of law as well as fact of the case. As such the Impugned Rejection Order is liable to be set aside and quashed.

कुमारी विरज सिंह

The Applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the Applicant further declares that she has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition of suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the Applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased to set aside and quashed the Impugned Rejection Order No. 70201/9/SO/311/EIC(2) dated 7<sup>th</sup> August 2007 issued by the Office of the Respondent No.3.

कुमारी किरन सिंह

8.2) The Hon'ble Tribunal may be pleased to direct the Respondents to consider the case of the Applicant for compassionate appointment in any Group 'D' post.

8.3) To Pass any other relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3) 8.4) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

The Applicant most humbly prays before your Lordships to direct the Respondents to keep one post reserve for the Applicant for compassionate appointment till disposal of this Original Application.

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. :- 32 G 040852  
 Date of Issue :- 20-8-2007  
 Issued from :- Guwahati GPO  
 Payable at :- Guwahati GPO,

12) LIST OF ENCLOSURES:

As stated above.

Verification . . . . .

कुमारी विरन सिंह



V E R I F I C A T I O N

I, Smti Kiran Kumari aged about 25 years, Daughter of Late Ram Prit Singh, Ex-Pump House Operator, MES No. 224892, Resident of Quarter No 219 Army Cantt. Post Office-Satgaon, Narengi, Guwahati - 27 do hereby solemnly verify that the statements made in paragraph nos. -4.1, 4.3<sup>45</sup>, 4.8 (last part), 4.9 to 4.17 — are true to my knowledge, those made in paragraph nos. -4.2, ~~4.3~~, 4.4, 4.6, 4.7, 4.8 (1st part) are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 31st day of October 2007 at Guwahati.

कुमारी किरन सिंह

DECLARENT

(Relevant Portion Typed)

ANNEXURE- A

EAST-END NURSING HOME

G.N.B. Road, Bamunimaidam

Guwahati-781021

Pt. Name: Mr. Ram Prit Singh

Mrs. Ms Ram Prit Singh

Ref no. ....

Date

C/c Electric Shock injury at 7 AM 28/1/93

C/E ..... illegible .....

A Death due to cardiac respiratory failure due to electrocution.

Sd/-

28/1/93

Dr. Bisseswar

Basumatary

Reg No. 11929

Time 7:30 AM

28/1/93

Medical Officer

East- End Nursing Home

Bamunimaidam: Guwahati-21.

**ATTESTED**

*SPHantle*  
ADVOCATE

Phone : 50334

EAST-END NURSING HOME

G. H. B. Road, Bamunimaidam

Guwahati-781021

Ref. No. : Mr. Ram Prasad Singh

Ref. No. : Mrs. Ram Dasgupta

C/O. Electric Shop

injury at 7 AM, 28/1/93

U/R : pupil dilated & fixed

pinkish  
S.C. / not recoverable

chest in 6th rib space

cost 2, 3 & 4 not moved

for chest external injury seen

A Death due to cardiac

respiratory failure due to  
electrocution

Dr. Bissernar  
28/1/93

Dr. Bissernar  
BAMUNIMAI

Ref. No. 11925

Time 7.30 AM

Medical Officer

East-End Nursing Home

Bamunimaidam, Guwahati-781021

28/1/93

ATTESTED

Shette

ADVOCATE



**ATTESTED**

*Shatle*

ADVOCATE

(Typed Copy)

ANNEXURE-R

From: Miss Kiran Kumari  
D/o Late R.P. Singh  
C/o AGE E/M Narengi  
To : Engineer-in-Chief  
Army Head Quarters  
DHQ-PO, New Delhi  
Pin-11

(Through Proper Channel)

APPLICATION FOR COMPASSIONATE GROUND APPOINTMENT  
TO THE RELATIVE OF THE GOVERNMENT SERVANT

R/Sir,

I have the following few lines for your kind consideration and favorable action please: -

- (a) That Sir, my father Late Ram Prit Singh who was PHO of GE Narengi, expired on 28-1-93 due to electric shock. My mother had also the same cause of death on the same date. So, I had lost two lives at the same moment and become helpless since we did not have any other means of income except the salary of my deceased father.
- (b) That Sir in view of the above, I being the elder daughter of my family to take the responsibilities, I request your honour to be kind enough to give appointment in this department so as to look after my family members.

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

Thanking you sir,

Yours faithfully,

Sd/-

(Kiran Kumari)

Daughter of Late Ram Prit Singh,

Dated: 10 March 95

PHO

**ATTESTED**

*R. Shetty*  
**ADVOCATE**

From : Miss Kiran Kumari  
D/O Late R. P. Singh,  
C/O AGS S/M Naranga

To : Engineer-in-Chief  
Army Headquarters  
DHQ-PO, New Delhi  
Pin - 11

( Through proper channel )

APPLICATION FOR COMPENSATORY APPOINTMENT  
TO THE RELATIVE OF THE GOVT SERVANT

R/Sir,

I have the following few lines for your kind consideration and favourable action please :-

(a) That sir, my father late Ram Prith Singh who was PHO of GS Naranga expired on 28-1-93 due to Electric shock. My mother had also the same cause of death on the same date. So I had lost two lives at the same moment and become helpless since we did not have any other means of income except the salary of my deceased father.

(b) That sir, In view of the above, I being the elder daughter of my family to take the responsibilities, I request your honour to be kind enough to give appointment in the department so as to look after the family members.

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

Thanking you sir,

Yours faithfully,

कुमारी कि रीत सिंह  
( Kiran Kumari )  
Daughter of  
Late Ram Prith Singh,  
PHO

Dated: 10 May 95

**ATTESTED**

*Bhatte*  
ADVOCATE

- 195

ANNEXURE- D 2

TO

The E-IN-C; s Br

A.H.Q.

D.H.Q -po  
Delhi -11

From, KIRAN KUMARI SINGH

C/O ANIL KUMAR SINGH

VILL -CHHAHUN

POT -JHANKAUL

Dist - KUSHINAGAR U.P.

SUBJ- PRAYER FOR COMPASSIONATE APPOINTMENT

R

Respected sir .

With due respect i beg to lay the following few lines for your kind information and favourable action please .

my father i.o..MES/224892 late ramprit singh was working in the A.C. E/M under garison engineer narangi division guwahati 27 as a pump house oprator .he met with an electrical accident alongwith my mother .det 28/01/93 .

i have received all financial benefit due to but action to appoint me . on compassionate ground to be finalised in the context i will would like to bring to your notice that i hade applied for the same as long back as april 93 my application by garison engineer narangi division their letter no .

1010/ 1/316/ EED DET 12/11/96 but out com it may not be way to mention that i have a minor sister also and in these hard day it very difficult to pull on with the meager pension that i receive .

in view of the above fact may i request your good self to issue or pass on orders to the expenditure the consideration of my appointment of compassionate ground . wich act of kindness i shall ever remain grate ful .

Ecl as above (A) deth cirtificate (B) deth body pfoto copy .

thanking you

copy to

defence minister

to the persnal cecretary

yours fith fully

किरन कुमारी सिंह  
kiran kumari singh

ATTESTED

Bhatte  
ADVOCATE

From: Sumard Kiran Singh  
c/o Anil Kr Singh  
Vill-Chhahon  
P.O. Jhankoul  
Dist- Fuzhi Nagar(UP)

To  
E-in-C's Branch  
Army Headquarters  
DHQ-P.O  
Delhi - 11

Oct 2-9-02

SUB: REPORT FROM COMMISSIONER OF THE AFROUPTMENT

Respected Sir,

With due respect, I beg to lay the following few lines for your kind information and favourable action please:-

(a) My father i.e. HCU/224892 Late Ram Prit Singh was working in the office of the Garrison Engineer, Narangl, Guwahati-27 as a Pump House Operator. He met with an electrical accident and expired on 28-01-93 alongwith my mother.

(b) I have received all the financial benefit due to me. But action to appoint me on compassionate ground is yet to be finalised. In this context I would like to bring to your notice that I had applied for the same as long back as Apr 1993. My application was also forwarded to CBE Shillong by CE Narangl vide their letter No 1010/1/316/EID dt 12-11-96, but the outcome of the same is not known till date.

(c) It may not be out ~~there~~ of the way to mention that I have a minor sister also and in these hard day it is very difficult to pull on with the meagre pension that I received.

In view of the above fact may I request your goodself to issue or pass on orders to the competent authority to expedite the consideration of my appointment on compassionate ground, for which act of kindness I shall ever remain grateful.

Thanking you,

Yours faithfully,

कुमारी किरन सिंह  
(Kumari Kiran)  
Daughter of Late Ram  
Prith Singh

Final Death cert  
Dead body dumped

THE UNIVERSITY OF CHICAGO  
CHICAGO, ILLINOIS 60637

**ATTESTED**

*S. Bhatt*  
**ADVOCATE**

1944-1945



Tele : 6777 (Mily)  
2474-2153 (Civ)

**REGISTERED POST**  
**AN ISO 9001:2000 ORGANISATION**  
Chief Engineer Kolkata Zone  
Military Engineer Services  
Ballygunge Maidan Camp  
Gurusaday Road  
Kolkata - 700019

80522/2/ 6134 / EIC(2)

07 Nov 2005

Chief Engineer Shillong Zone  
SE Falls, Shillong-11

**COMPASSIONATE APPOINTMENT IN RESPECT OF MISS KIRAN KUMARI D/O  
LATE RAMPRIT SINGH PHO, OF GE NARANGI**

1. Original application in respect of Miss Kiran Kumari received by this zone erroneously is forwarded herewith along with connected documents for your further action please.
2. Please ack.

**Encls :- (As above)**

(06 sheets)

**Copy to -**

Garrison Engineer Narangi  
Satgaon Post, Guwahati-27

- for information.

Miss Kiran Kumari  
D/O Late Ramprit Singh  
Vill: Chhahun, PO: Jhankaul  
PS: Turkpati, Dist: Deoria(UP)

- for information.

(K D Ram)  
AO-II  
AAD (Pers)  
for Chief Engineer

**ATTESTED**

*Rhette*  
**ADVOCATE**

Tele Mily 6721

HO Chief Engineer  
Shillong Zone  
Spread Eagle Falls  
Shillong - 11

70201/9/SO/ /E1C(2)

Aug 2007

Miss Kiran Kumari  
D/O (Late) Ram Prit Singh  
Vill : Chhahun  
Post : Jhankul  
Dist : Deodria Padarauna  
(UP)

**EMPLOYMENT ASSISTANT IN RESPECT OF MISS KIRAN KUMARI**  
**D/O (LATE) RAMPRIT SINGH OF GE NARANGI**  
**ON COMPASSIONATE GROUNDS**

1. Reference your application dated 10-03-1995 regarding employment on compassionate grounds. The request(representation) for compassionate appointment was examined by the competent authority of the Headquarters as per extant Government Rules and Policies and the Hon'ble Supreme Court rulings on the subject. The relevant DOP & T instructions and Hon'ble Supreme Court rulings on the subject are enclosed
2. The Scheme of appointment on compassionate grounds has been envisaged with the whole object of granting compassionate appointment 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. The scheme does not necessarily imply that dependent of each and every deceased/medically-boarded out/missing Govt employee will be offered appointment on compassionate ground. It is pertinent to mention here that quota prescribed for the purpose of compassionate appointment is only 5% DR vacancies occurring in a year in Group 'C' and 'D' posts and therefore no case is considered individually of Unit wise, but all the cases received from various Units are considered by the Board of Officers constituted at the Headquarters as per the Government Policy, to find out the most deserving cases in acute financial distress/more indigent in comparison to other similarly placed cases, against the 5% quota of DR vacancies occurring in a given year.
3. Accordingly, the Board of Officers take the various aspects as stipulated in MOD ID No 19(4)/824-99/1998-D(Lab) dated 9-3-2001, such as family size including ages of children amount of terminal benefits, amount of family pension, liability in terms of unmarried daughter(s), minor children etc., movable/immovable properties left by the deceased at the time of death, to find out the cases of acute financial distress/ most deserving case in relative merit and recommends only the really deserving cases that too if clear vacancy meant for appointment on compassionate grounds exists within the ceiling of 5% DR vacancies. Further, the Committee considering a request for appointment on compassionate grounds should take into account the position regarding availability of vacancy for such appointment and it should recommend appointment on compassionate grounds only in a really deserving case and only if vacancy meant for appointment on compassionate grounds will be available within a year, that too within the ceiling of 5% prescribed for the purpose, in view the Hon'ble Supreme Court ruling in Judgement dated 4<sup>th</sup> May 1994 on the case of Umesh Kumar Nagpal Vs State of Haryana and others (JT 1994 (3) SC 525) wherein it has been held that " Offering appointment on compassionate ground as a matter of course irrespective of financial condition of the family of the deceased or medically retired govt. servant is legally impermissible and 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".

ATTESTED

*Shatte*  
ADVOCATE

Contd...2/-

4. According to the information available on record, the following is the position /status of the family of the deceased government servant :-

- (a) The death of the Government Servant occurred on 28 Jan 1993. His wife, 02 daughter survive him. The deceased govt servant's family received Rs. 57,413/- as terminal benefits. At present they are in receipt of monthly pension of Rs 1,275/-.

5. The Board of Officers at Army Headquarters after taking into account each aspect referred to above has considered your case alongwith other candidates. However, due to more deserving cases and few vacancies available, your case was not recommended by the BOO for appointment on compassionate ground. In view of this the competent authority is of the view that your case does not deserve employment assistance on compassionate grounds.

6. Therefore, after due circumspection and consideration in the light of the enclosed guidelines of DOP&I and various judgements of the Hon'ble Supreme Court and that the appointment on compassionate grounds is not a matter of right and after a balanced and objective assessment of the totality of the circumstances of the case including the decision of the Board of officers at Army Headquarters, the competent authority has rejected the employment assistance to Miss Kiran Kumari D/O (Late) Ram Prit Singh on compassionate grounds, (\*due to non availability of sufficient vacancy within 5% quota).

(Arvind Parashar)  
EE(SG)  
Dir(Pers & Legal)  
for Chief Engineer

Encls : (As above)

Copy to :-

Engineers in Chief Branch - For information  
Army Headquarters  
New Delhi  
Pin 110 011

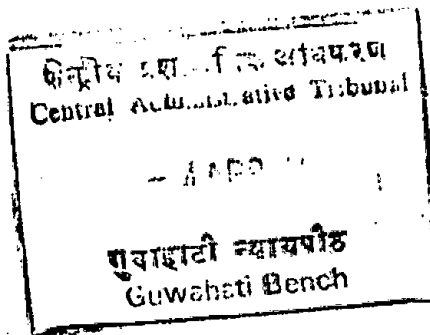
HQ Eastern Command - For information  
Engineers Branch  
Fort William  
Kolkata

CWE Shillong

GE Narangi

**ATTESTED**

*S. Shetty*  
**ADVOCATE**



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH  
AT GUWAHATI.**

**ORIGINAL APPLICATION No. 282 of 2007**

**SMTI. KIRAN KUMARI SINGH.**

.....**APPLICANT**

**- VERSUS -**

**THE UNION OF INDIA & ORS.**

.....**RESPONDENTS**

**INDEX OF THE WRITTEN STATEMENT**

Sl No.	PARTICULARS	Page No.
1	Written Statement	1 - 5
2	Verification	6
3	ANNEXURE - I (Copy of <sup>the scheme of</sup> Compassionate Appointment).	7 - 9
4	ANNEXURE - II (Copy of Letter dated 20 <sup>th</sup> February, 2008).	10
5	ANNEXURE - III (Copy of Letter dated 25 <sup>th</sup> February, 2008).	11 - 12

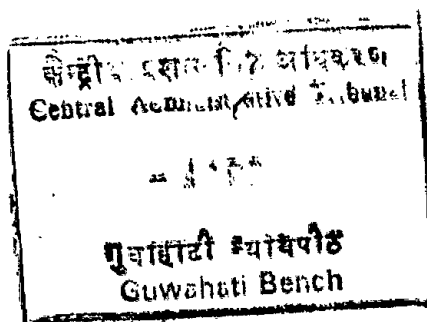
Filed by -

*Santosh Bishy*  
04.04.08 Advocate

Received Copy  
28-4  
(Smt. K. K. Singh)  
Amte  
4.4.2008

Contd.../-

*fr*



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI.**

**ORIGINAL APPLICATION No. 282 of 2007**

(P K Gool, IDSE)  
EE (SG)

Garrison Engineer  
Naranyi Division

04.04.07

**SMTI. KIRAN KUMARI SINGH.**

.....APPLICANT

**- VERSUS -**

**THE UNION OF INDIA & ORS.**

.....RESPONDENTS

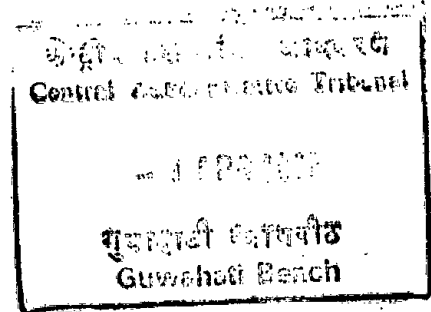
The written statement on behalf of  
the above named respondent: -

**THE WRITTEN STATEMENT OF THE RESPONDENTS**

**MOST RESPECTFULLY SHEWETH: -**

1. That the answering respondent begs to state that a copy of the Original Application has been serve upon them and they have gave through Original Application and under the Content thereof.
2. That the Respondent begs to state that the statement which are not specifically admitted by the Respondents are denied by them.
3. That with regard to the statements made in paragraphs 1, 2 and 3 of the Original Application the answering Respondent begs to state that they are within the specific knowledge of the applicant and the Respondent cannot admit or deny the same.

Contd.../-



-2-

4. That with regard to the statement made in paragraphs 4.1 to 4.5 of the Original Application, the answering Respondent has no comment to offer as they are matter of records and the answering Respondent do not admit anything which is not born out of record.
5. That with regard to the statement made in paragraph 4.4 of the Original Application, the answering Respondent begs to state that those are matter of records and the Respondent has no comment to offer.
6. That with regard to the statement made in paragraph 4.5 of the Original Application, the Respondent begs to state that those are within the specific knowledge of the applicant and the Respondent neither admits or denies the same.
7. That with regard to the statements made in paragraphs 4.6, 4.7 and 4.8 of this instant Original Application, the Respondent begs to deny the same. The time take by the Respondent was because of non-availability of some relevant document to decide the case of the applicant as the applicant failed to furnish them and took a long time to furnish them.

The Respondent begs to state that in the case of Umesh Kumar Nagpal - Vs - State of Haryana and Others (JT 1994(3)SC525) Hon'ble Supreme Court of India observed that "Offering appointment on compassionate ground as a matter of course irrespective of financial condition of the family

Contd.../-

- 4 APR 2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

- 3 -

of the deceased or medically retired government servant is legally impermissible and 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".

The Respondent further begs to state that scheme of compassionate appointment has been envisaged with the whole object of offering compassionate appointment only when the family is actually put under very extreme indigent circumstances after the death of government servant after detail examination by the competent authority.

A copy of the scheme of compassionate appointment is annexed herewith and marked as ANNEXURE-I.

The Respondent begs to mention here that a board of accredited government officer constituted at the highest level of Army Headquarters after taking into account each and every aspect of sustenance of the family and also with reference to the regular financial support available with the family by means of monthly family pension and other terminal benefits as well as immovable assets inherited by the applicant etc has come to the conclusion that the applicant's case is not a fit case for appointment on compassionate ground.

Accordingly, the decision of the board of officers was communicated to the applicant by a speaking order bearing No.70201/9/SO/311/E1C(2) dated 09<sup>th</sup> August, 2007.

Contd.../-

Officer letter dated 20<sup>th</sup> February, 2008 and 25<sup>th</sup> February, 2008 are annexed herewith and marked as ANNEXURE-II & III respectively.

8. That with regard to the statement made in paragraphs 4.9, 4.10 and 4.11, the Respondent begs to state that those are within the specific knowledge of the applicant, the Respondent neither admits nor denies the same.
9. That with regard to paragraphs 4.12 and 4.13, the Respondent deny the statement made by the Applicant. It is denied that Respondent violated any legal right of the Applicant and the action of the Respondent are arbitrary, malafide or any colourable exercise of power.
10. That with regard to the statement made in paragraphs 4.14, 4.15, 4.16 and 4.17, the Respondent begs to state that the Applicant had fail to made out any case and the Respondent denies her claim of appointment on compassionate ground. The Respondent further begs to state it is not a fit case where the Respondent may be directed to consider the case of the Applicant.
11. That with regard to the statement made in paragraph 5, the Respondent begs to state that in view of the submissions made above, the answering respondent humbly pray before Your Lordship not to admit the case and dismiss the case on following grounds: -

Contd.../-



- 4 APR 1991

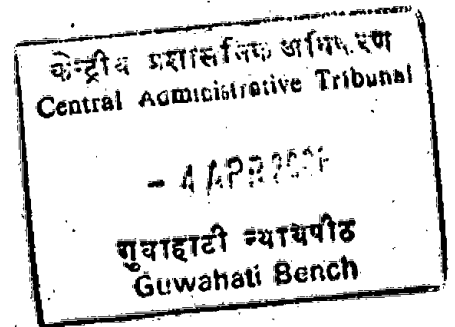
गुवाहाटी न्यायपीठ  
Guwahati Bench

- 5 -

- (a) For that compassionate appointment is not a matter of right and respondents have not violated any provisions of constitution by rejecting the claim.
- (b) For that the case of the applicant was carefully considered at the highest level taking into account all aspects of sustenance of the family before rejecting the claim.
- (c) The respondents have followed all the directions, orders of Hon'ble Supreme Court of India at the time before taking the final decision.
12. That with regard to the statement made in paragraphs 6 and 7, the answering respondent beg to state that those are within the specific knowledge of the Applicant and the Respondent cannot admit or deny the same.
13. That with regard to the statement made in paragraphs 8 and 9, the answering respondent beg to submit that relief sought for by the applicant is based on imagination and not base on facts of the case and therefore, the case is liable to be rejected.
14. That with regard to the statement made in paragraphs 10 to 11, the answering respondents beg to offer no comments being matter of records.

Contd.../-


df



**VERIFICATION**

I, P K Goel, Son of Shri A K Goel,  
aged about        years, Resident of G E Narangl,  
in the district of Kamrup and a competent  
officer of the answering respondents do hereby verify  
that the statement in paragraph 1 to 6 and 8 to 14 are  
true to my knowledge and those made in paragraph 7 being  
matter of record are true to my information derived  
therefrom which I believe to be true and the rest are my  
humble submission before this Hon'ble Tribunal and I  
have not suppressed any material facts.

And I sign this verification on this the 04th day  
of April 2008 at Guwahati.

  
**SIGNATURE**  
**(P K Goel, IDSE)**  
**EE (SG)**  
**Garrison Engineer**  
**Narangl Division**

- 7 -

ANNEXURE - I

Ministry of Defence  
D(Lab)

केन्द्रीय प्रशासनिक अधिकारिका  
Central Administrative Tribunal

- 4/1/2002

गुवाहाटी न्यायाधीश  
Guwahati Bench

Subject : Scheme of Compassionate appointment - Relative merit points clarification regarding.

Reference MOD ID No 19(4)/824-99/1998-D(Lab) dated 9-3-2001.

2. This Ministry vide above reference had laid down the revised procedure to be for selection of candidates by taking into account various attributes allotting marks on scale relative merit while considering compassionate appointment cases. Various COs appreciated the procedure and transparency of the above relative merit points. It has been observed that some HQs/ISO's having doubts/miscalculations on the 'all points' to the attributes of No. of dependents, No. of married daughters and No. children.

3. In order to avoid any such doubts and miscalculations, the following clarification the above reference of relative merit points, be brought to the notice of all concerned

(a) No. of dependents (Para 3(e) of above ref.) - This parameter include the immediate dependents of the concerned govt. servant. The employed son staying together, married or living separately, employed daughters and daughters are not to be accounted in this parameter. Widow, all minor's dependent unemployed major sons, unemployed daughters (minors, unmarried) and dependent widow daughters (unemployed) living together are to be taken into account in this category for allocation of points.

(b) No. of Unmarried daughters (Para 3(f) of above ref.) - This attribute has been given separately since the marriages of the daughters are a major liability of the family. The Unmarried daughters will include the minor daughters' allotment of points. This category has been addressed separately & additional points will take into account the liability of marriages in comparison to less deserving cases.

(c) No. of Minor children (Para 3(g) of above ref.) - This parameter will be given additional points and will include minor sons as well as minor daughters. Minor children are the immediate liability of the family in comparison to other deserving cases.

4. In other words, if there are 3 minor daughters, the family will get full 45 points. Sub Paras (e) (f) & (g) of Para 3 of D(Lab) ID No 19(4)/824-99/1998-D(Lab) dated 9-3-2001.

5. The above clarifications be brought to the notice of all concerned for information & compliance.

(Shingara Singh)  
Deputy Secretary/D(Lab)  
3012660

Army HQs/MP-4 (Civ) (a)  
Naval HQs/CP Dtg  
Air HQs/PC Wing

MOD ID No. 19(4)/824-99/1998-D(Lab) dated 9-4-2002.

(P. K. Goel)  
EE (SG)  
Garrison Engineer  
Narangi Division

8-11

**Ministry of Defence**  
D(Lab)

Digitized by eGangotri  
Control Administrative Tribunal

गुवाहाटी बचत  
Guwahati Branch

**Subject :**

**Scheme for Compassionate appointment - Relative Merit Points and Revised Procedure for selection.**

Reference DOP&T OM No 14014/6/94-Estt(D) dated 9-10-98 and subsequent modifications thereto with regard to the Scheme for Compassionate appointment.

2. DOP&T have prescribed a formal procedure and time limit to be adopted for compassionate appointment as brought in Para 12 and amendment thereto of the Scheme under reference. The proforma given as Annexure to above reference provides adequate information regarding the overall circumstances of the family, to make a recommendation/decision regarding compassionate employment of the applicant. The procedure involved and the criteria to be adopted for ascertaining the economic status of the family of the Government servant and the eligibility of the candidate concerned has also been clearly brought out.
3. While considering cases for compassionate appointment, merits of the cases were conveniently decided by allotting points to the applicants based on various attributes as indicated in the Annexure to the MOD ID No 271/93/D(Lab) dated 10 Nov 1993. After implementation of the Vth Pay Commission's recommendation, the points allotted to various aspects like family pension, terminal benefits etc have become redundant. Thereupon, the suggestions/opinion received from various Headquarters in response to MOD ID No 824/D(Lab)/93 dated 12-7-93 have been considered and the competent authority has decided that the revised points based on a hundred point scale as indicated below be attributed to various parameters for a comparatively balanced and objective assessment of requests of really deserving candidates for compassionate appointment :-

(a) **Family Pension** - (Basic excluding DA & allowances)

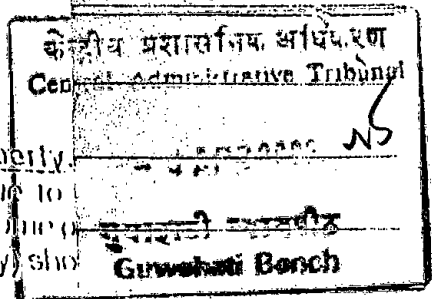
(i)	Upto Rs 1300	20
(ii)	1301 - 1500	18
(iii)	1501 - 1700	16
(iv)	1701 - 1900	14
(v)	1901 - 2100	12
(vi)	2101 - 2300	10
(vii)	2301 - 2500	8
(viii)	Above Rs 2500	6

(b) **Terminal Benefits**

(i)	Upto Rs 100000	10
(ii)	100001 - 120000	9
(iii)	120001 - 140000	8
(iv)	140001 - 160000	7
(v)	160001 - 180000	6
(vi)	180001 - 200000	5
(vii)	200001 - 220000	4
(viii)	220001 - 240000	3
(ix)	240001 - 260000	2
(x)	260001 - 300000	1
(xi)	Above Rs 300000	Nil

CTC

(P K Goel  
EE (SG)  
Garrison Engineer  
Narangi Division



(c) Monthly income, of earning member(s) and income from Property.  
 (This does not include the monthly family pension/pension due to death/MBO/missing of govt. servant, but any other pensions, income of the family members (including earning members living separately) shall be accounted)

(i)	No. income	-	5
(ii)	Rs 1000 or less	-	4
(iii)	Rs 1001 to 2000	-	3
(iv)	Rs 2001 to 3000	-	2
(v)	Rs 3001 to 4000	-	1
(vi)	Rs 4001 and above	-	Nil

(d) Movable/Immovable Property (Latest Market Value in Rs.)

(i)	Nil	-	10
(ii)	Upto 50000	-	8
(iii)	50001 - 100000	-	6
(iv)	100001 - 200000	-	3
(v)	200001 and above	-	1

(e) No. of dependents

(i)	3 and above	-	15
(ii)	2	-	10
(iii)	1	-	5

(f) No. of unmarried daughters

(i)	3 and above	-	15
(ii)	2	-	10
(iii)	1	-	5
(iv)	None	-	0

(g) No. of Minor children

(i)	3 and above	-	15
(ii)	2	-	10
(iii)	1	-	5
(iv)	None	-	0

(h) Left over service

(i)	0 - 5 years	-	2
(ii)	Over 5 & upto 10 years	-	4
(iii)	Over 10 & upto 15 years	-	6
(iv)	Over 15 & upto 20 years	-	8
(v)	Over 20 years	-	10

The weightage fixed above is to be strictly followed for assessing comparative applications keeping in view the instructions issued by the DOP&T from time to time. Further, applications may be acknowledged immediately on receipt and decision of the Board of Officers (BOO) be communicated to the applicants after every sitting. The system of **WAITING LISTS** have already been discarded (Ref. DOP&T OM F.No 1401/2013 dt. 3.12.2013). The candidates are required to apply only once and the application if not recommended in the first BOO for want of vacancy, is to be considered along with the fresh applicants by the BOO on three occasions consecutively and so that the final decision is communicated to the applicant by a detailed speaking order.

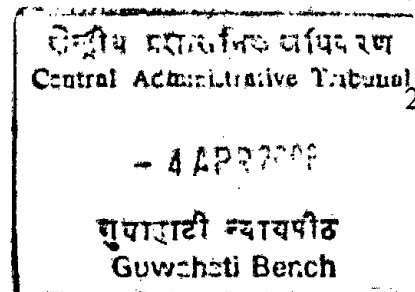
(P K Goel)  
 EE (SG)  
 Garrison Engineer  
 Narangi Division

Tele: 2222 6658

Chief Engineer *JB*  
HQ Eastern Command  
Fort William  
Kolkata-21

131900/282/07/16 /Engrs/E1 (Legal)

HQ Chief Engineer  
Shillong Zone  
SE Falls  
Shillong -793011



**OA No 282/07 FILED BY SMT KIRNA KUMARI SING D/O LATE RAM PRIT SINGH, EX PUMP HOUSE OPERATOR Vs UOI AT CAT GUWAHATI**

1. Ref your HQ letter No 70222/OA-282/2007/19/E1 (Legal) dated 07 Feb 08.
2. Reply to Para 2 of your letter under reference is as under :-
  - a) Para 2 (a) Total No of vacancy of Gp 'D' staff for compassionate Appointment during the period Jan 2007 to 31 Aug 2007 - Nil
  - b) Para 2 (b) Total No of applicants considered by the Board of Officers - 61 Nos
  - c) Para 2 (c) The BPs were prepared based on format prescribed vide MOD ID No 19 (4)/824-99/1998-D (Lab) dated 09 May 2001. Accordingly the BPs was prepared and weightage for each aspect is worked out. The applicant for appointment on compassionate grounds. In this case consideration also given to the date of death Government servant which occurred on 28 Jan 1993 and the instructions given by Government of India, Min of personnel, public Grievances and Pension, DDP & T letter No 14014/19/2003-Estt dated 05 May 2003.
3. All the above details are available with your HQ please.

*Goutam Roy*  
(Goutam Roy)  
SE  
Dir (Legal)  
for Chief Engineer

**Copy to**

CWE Shillong

GE Narangi

*CTC*  
*Am*

P K Goel  
EE (SG)  
Garrison Engineer  
Narangji Division

*Altered  
Bdw,  
Private*

**FAX**

**ANNEXURE-III**

Tele : 6708 (MII)  
Fax : 0364-2536282  
E-mail: [Shillongengrs@gmail.com](mailto:Shillongengrs@gmail.com)

HQ Chief Engineer  
Shillong Zone  
Spread Eagle Falls  
Shillong - 11

70222/OA-282/2007/ 27/E1(Legal)

Feb 2008

GE Narangi

**OA NO 282/2007 FILED BY SMT KIRAN KUMARI SINGH D/O LATAE RAM PRIT SINGH, EX PUMP HOUSE OPERATOR VS UOI AT CAT GUWAHATI**

1. Ref your letter No 1104/KK/Appt/13/E1E dated 12 Jan 2008 and this HQ letter No70222/OA-282/2007/19/E1 (Legal) dated 07 Feb 2008.
2. Information as asked vide para (a), (b) and (c) of your above referred letter are as under:-

Sl No	Applied for post	BOO Qtr ending	Total No of Applicants	Stand at Ser No	Total No of Vacancy for Gp 'D'	How weightage was given	Remarks
1.	Maz	Sep 01	263	117	06	Awarding weightage marks in hundred point scale to ascertain economic status and legibility as contained in GOI MOD ID No 19/(4)/824-99/1998-D(Lab) dt 09 Mar 2001.	-
2.	Maz	Mar 04	61	61	4.14	-do-	-
3.	Maz	Jun 04	67	64	3.65	-do-	-
4.	Maz	Dec 05	80	12	Nil	-do-	-
5.	Maz	Mar 06	81	12	Nil	-do-	-
6.	Maz	Sep 06	70	09	Nil	-do-	-
7.	Maz	Dec 06	53	09	Nil	-do-	-
8.	Maz	Mar 07	53	09	Nil	-do-	-
9.	Maz	Jun 07	58	09	Nil	-do-	-

Central Administrative Tribunal  
- 4 APR 2008  
Guwahati Bench

Contd...2/

CTC

(P K Goel  
EE (SG)  
Garrison Engineer  
Narangi Division

Attended  
R.D.  
Anwar

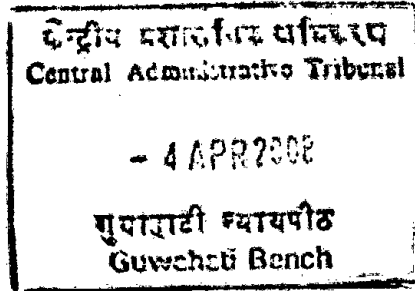
Please provide the information to CGSC and confirm that CA has been filed at CAT.  
Please accord top priority.

Encls - As above.

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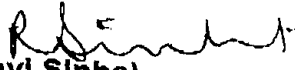
Chief Engineer  
HQ Eastern Command  
Fort William  
Kolkata-21

CWE Shillong




for info please.

for similar action please.

  
(Ravi Sinha)  
SE  
Dir (Pers&Legal)  
For Chief Engineer

CTC

  
(P K Goel)  
EE (SG)  
Garrison Engineer  
Narangi Division