

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./TA/ NO. 234/2015
R.A./CP/NO.....2015
E.P./M.P./NO.....2015

1. Order Sheets.....2.....page.....1.....to.....31.....
2. Judgment/ order dtd. 28/02/2015 page.....1.....to.....31.....
3. Judgment & Order dtd.....received from H.C. /Supreme Court.
4. O.A.234/09.....page.....1.....to.....26.....
5. E.P/M.P.1.....page.....to.....
6. R.A./C.P.1.....page.....to.....
7. W.S. 2/16.....Page.....1.....to.....30.....
8. Rejoinder.....1.....page.....to.....
9. Reply1.....page.....to.....
10. Any other paperspage.....to.....
11. Memo of Appearance P/01

*Recd
07/07/2015*
SECTION OFFICER (JUDL.)

FORM NO.4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI BENCH:
ORDER SHEET

1. ORIGINIAL APPLICATION NO. 224/2009

2. Transfer Application No. /2009 in O.A. No. -----

3. Misc. Petition No. /2009 in O.A. No. -----

4. Contempt Petition No. /2009 in O.A. No. -----

5. Review Application No. /2009 in O.A. No. -----

6. Executive Action No. /2009 in O.A. No. -----

Applicant : Lalit Narayan Singh
Exhibets : M. C. T. Toks
Address for service : Harendra Kr. Das
Applicant (Signature)

Particulars of the Respondents

Case.

This application is in form,
is filed/C. F. for Rs. 50/- on 03.11.2009
deposited vide IPO/BD
No. 396430700
Dated 12.10.09

N. Kumar
28.10.09
Dy. Registrar

Order of the Tribunal

Applicant seeks
compassionate appointment, which
request has been returned by the
respondents. It is contended that
though vacancies are available and
the applicant is eligible for the same,
no appropriate attention has been
paid to his request. Hence
application is admitted.

Mr K. Das, learned
Addl.C.G.S.C accepts notice on
behalf of the respondents. Thus
service is complete. Four weeks time
allowed for filing reply by the
respondents.

Call this matter on 4.12.2009

for orders.

J
(Madan Kr. Chaturvedi)
Member (A)

J
(Mukesh Kr. Gupta)
Member (J)

order dtd 03/11/09.
copy received on behalf of C.G.S.C
Konkan Das on 26 Nov 09

Deputy
AF. *Reema*
type & edit
Guaranteed

O.A.224/09

No w/s filed.

3
3.12.09

04.12.2009

Enabling the respondents to file reply four weeks time is allowed.

List on 5.1.2010.

3
(Madan Kr. Chaturvedi)
Member (A)

3
(Mukesh Kr. Gupta)
Member (J)

/pgf

3
4.1.2010

5.1.2010. It is stated by learned counsel for the Respondents that reply will be filed during the course of the day and copy of the same be handed over to learned counsel for the Applicant. Rejoinder, if any, may be filed by the Applicant before next date of hearing.

List the matter on 5.2.2010.

3
(Madan Kumar Chaturvedi)
Member (A)

3
(Mukesh Kumar Gupta)
Member (J)

/lm/

No rejoinder
filed.

3
4.2.2010

05.02.2010

On the prayer of both the parties adjourned to 10.2.2010.

3
(Madan Kr. Chaturvedi)
Member (A)

3
(Mukesh Kr. Gupta)
Member (J)

/pgf

w/s filed.

3
22.2.2010

10.02.2010

List the matter on 23.02.2010.

3
(Madan Kumar Chaturvedi)
Member (A)

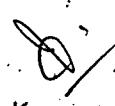
Judgement copy received
on behalf of Res. No 4
on 02 mar 10

3
22.2.2010
S. K. S. D. A. I. T.
S. C. C. E. C. L.
Legal cell
S. W. M. T.

/lm/

O.A.224 of 2009

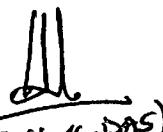
23.02.2010 For the reasons recorded separately,
O.A. stands disposed of.


(Madan Kumar Chaturvedi) Member (A)


(Mukesh Kumar Gupta) Member (J)

/bb/

Received Copy
of the order dated
23-02-2010.


(C.H.K. Das)

Advocate
03-03-10.

29-3-2010,

Judgment / Final order
dated 23/2/2010 Prepared
and sent to the Despatch
Section for issuing the all
the respondents by post
vide A.O. 821 to 824

dated 07-4-2010

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 224 of 2009

DATE OF DECISION: 22.02.2010

Shri L.N.Singh

.....Applicant/s.

Mr.H.K.Das

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

- Versus -

U.O.I. & Ors

.....Respondent/s

Mr. Kankan Das, Addl. C.G.S.C.

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR.MUKESH KUMAR GUPTA, MEMBER (J)

THE HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)

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

Judgment delivered by

Hon'ble Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 224 of 2009

Date of Decision: This, the 23rd day of February 2010.

HON'BLE SHRI MUKESH KUMAR GUPTA, JUDICIAL MEMBER

HON'BLE SHRI MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

Sri Lalit Narayan Singh
Son of Late M.Singh
(C/o. Smt. Anu Devi), MES
Shiv Mandir, Rowrah, MES
Gate, Jorhat-785 005, Assam.

...Applicant

By Advocate: Mr.H.K.Das

-Versus-

1. The Union of India represented by the Secretary to the Government of India
Ministry of Defence
New Delhi-100 001.
2. The Air Chief Marshal
Air Head Quarters (Vashu Bhawan)
New Delhi-110011.
3. The Air Marshall
Eastern Air Command (EAC) I.A.F.
Head Quarter-Shillong
C/o 99 APO.
4. The Commanding Officer
825 SUAFA (Missamari)
C/o 99 A.P.O.

.. Respondents

By Advocate: Mr. Kankan Das, Addl. C.G.S.C.

ORDER (ORAL)

MUKESH KUMAR GUPTA, MEMBER (J):

Admitted facts are that Applicant's mother was employed as Safaiwali in the office of Commanding Officer, 825 SUFAS(Missamari). She

was medically boarded out on 31.05.2009 on medical ground. Prior to her retirement from service vide letter dated 07.05.2009, she was asked to submit the document/information as mandatory for processing case with Pension Disbursing Authority. Pending finalization of the said benefits, Applicant, being her son, vide application dated 31.07.2009 applied for compassionate appointment.

2. The Respondents have taken a stand that unless Applicant's mother claim for pension is finalized, Applicant's claim for compassionate appointment cannot be considered.

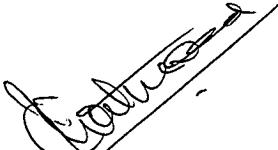
3. We have heard Mr.H.K.Das, learned counsel appearing for the Applicant as well as Mr.Kankan Das, learned Addl. C.G.S.C. for the Respondents, perused the records and pleadings addressed on this aspect.

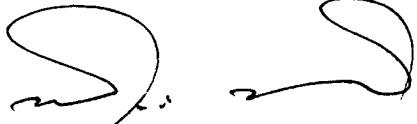
4. On examination of the matter, particularly with reference to stand, as noted hereinabove, we are not in agreement with the Respondents that his case for compassionate appointment cannot be forwarded to the appropriate authority and considered, merely because his mother's claim for pension has not been settled. Claim for pension is different and distinct than the claim for compassionate appointment. Merely because Respondents may take some time in settling claim for pension of Applicant's mother, Applicant's right for consideration of compassionate appointment cannot be denied.

5. Accordingly, Respondents are directed to consider the case of Applicant for compassionate appointment at the earliest opportunity.

We would expect that the said claim would be considered within a period of next three months from the date of receipt of this order.

6. O.A. is disposed of accordingly.


(MADAN KUMAR CHATURVEDI)
MEMBER (A)


(MUKESH KUMAR GUPTA)
MEMBER (J)

/BB/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH;
GUWAHATI

(An application U/S 19 of the Central Administrative
Tribunal Act, 1985)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
28 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Original Application No. 224/2009

Shri Lalit Narayan Singh Applicant
-Versus-

The Union of India and others Respondents

SYNOPSIS

The mother of the applicant was a Safaiwali employee in the office of the Commanding Officer, 825 SUAFS (Missamari), C/o 99 APO. The name of the Safaiwali employee is Smt. Anu Devi (825 Su/D/43). On the recommendation of the District Medical Board, Sonitpur District, chaired by the Joint Director, Health Services, the said Safaiwali employee Smt. Anu Devi was allowed to retire on medical ground with effect from 31.5.2009 (afternoon). Her invalid pension is not yet finalised. It may be mentioned that Smt. Anu Devi was also appointed on compassionate ground consequent upon the death of her husband while in service. As such, the family of the said Safaiwali Smt. Anu Devi is in great financial difficulties. Her eldest unemployed son Shri Lalit Narayan Singh is the applicant for a vacancy in the post of LDC or Typist or Telephone Operator or Computer Operator on compassionate ground. The applicant Lalit Narayan Singh had passed the All India Senior School Certificate Examination in 1995. He knows English Type

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

-2-

writing at 40 words per minute and Hindi Type writing at 35 words per minute. He has also passed the one year Computer Professional Course. The Office of the respondent No.2(Air Marshal, Eastern Command(EAC), IAF Shillong has returned the application of the applicant without taking any action thereon vide his impugned letter/order dated 4.9.2009 on very flimsy ground that the application of the applicant for compassionate appointment was not properly completed. This is wholly incorrect. The application of the applicant was perfectly in order. The applicant has challenged the contention of the impugned order/ letter dated 4.9.2009 of the respondent No.2 in this original application. The applicant has also prayed for a direction from the Hon'ble Tribunal for compassionate employment to a post of LDC or Typist or Computer operator or Telephone Operator on the ground of indigent circumstances to save his family members including himself from starvation. Hence, this O.A. has been filed.

Filed by
28/10/09
C.H.K.DAS
Advocate,

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
28 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Original Application No. 224 /2009

Shri Lalit Narayan Singha Applicant
-Versus-

The Union of India & others Respondents

LIST OF DATES AND ANNEXURES

Sl. No.	Dates	Particulars	Annexures	Pages
1.	06.11.2007	Constitution of Medical Board.	A	- 10
2.	29.01.2008	Recommendation of M.B.	B	- 11
3.	07.05.2009	Order of retirement	C	- 12
4.	31.07.2009 05.10.2009	Application of the applicant	D & D'	- 13-14
5.	04.09.2009	Impugned letter/order	E	- 15
6.	29.09.2009	Preforma Part I & II	F	- 16-21
7.	21.06.1993	All India Secondary School Examination Certificate	G ¹	- 22
8.	14.08.1995	All India Senior School Certificate Examination Certificate.	G ²	- 23
9.	15.03.1997	Diploma Certificate	G ³	- 24
10.	12.09.2001	English Type-Writing Computer professional Course Certificate.	G ⁴	- 25
11.	12.06.2002	Final Diploma Certificate in Hindi Type writing.	G ⁵	- 26

Filed by
28/10/09
(C.H.K.DAS)
Advocate,

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Original Application No. 224 /2009

Shri Lalit Narayan Singh Applicant
-Vers-us-

The Union of India and others ... Respondents

INDEX

Sl.No.	Annexures	Particulars	Pages
1.		Original Application	- 1 - 8
2.		Verification	- 9
3.	Annexure-A	Constitution of Medical Board.	- 10
4.	Annexure-B	Recommendation of Medical Board	- 11
5.	Annexure-C	Order of Retirement	- 12
6.	Annexure-D & D'	Application of the applicant - 13 - 14	
7.	Annexure-E	Impugned letter/order dated 04.09.09	- 15
8.	Annexure-F	Preforma Part I & Part-II	- 16 - 21
9.	Annexure-G ¹	All India Secondary School Examination Certificate	- 22
10.	Annexure-G ²	All India Senior School Examination Certificate	- 23
11.	Annexure-G ³	Diploma Certificate in English Type writing	- 24
12.	Annexure-G ⁴	Computer Professional Course Certificate	- 25
13.	Annexure-G ⁵	Final Diploma Certificate in Hindi Type writing	- 26
14.		W/ S	27 - 56.

Filed by
28/10/09
S. H. K. DAS
Advocate,

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: :GUWAHATI BENCH: :

GUWAHATI

(An application under Section 19 of the Central
Administrative Act, 1985)

Filed by the applicant
through
Counselor K. D. D. 28-10-09

O.A.No. 224 /2009

Shri Lalit Narayan Singh
son of Late M. Singh,
(C/o Smt. Anu Devi), MES
Shiv Mandir, Rowrah, MES
Gate, Jorhat-785005, Assam

.... Applicant

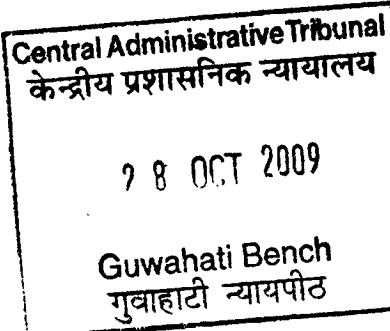
-Versus-

- 1) The Union of India,
represented by the Secretary to
the Govt. of India, Ministry of
Defence, New Delhi.-1
- 2) The Air Chief Marshal,
Air Head Quarters (Vashu Bhawan),
New Delhi-110011.
- 3) The Air Marshall
Eastern Air Command (EAC), I.A.F.
Head quarter-Shillong,
C/o 99 APO.
- 4) The Commanding Officer,
825 SUAFS (Missamari),
C/o 99 APO.

... Respondents

✓ Lalit Narayan Singh

Contd....2



-2-

**I. PARTICULARS OF THE ORDERS AGAINST WHICH
THE APPLICATION IS MADE :**

No.
Order No. 825SU/211/1/3/PC dated 04.09.2009
of T.R.Bechara, Sqn.Ldr., OIC Civil Admin.
For Station Commander, C/o 99 APO.

II. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the application is well within the jurisdiction of the Hon'ble Tribunal as provided U/S 14 of the Central Administrative Tribunal Act, 1985.

III. LIMITATION

The present application is made within the prescribed limitation as provided U/S 21 of the Central Administration Act, 1985.

IV. FACTS OF THE CASE :

- 1) That the applicant begs to state that his mother Smt. A nu Devi was serving as a Safaiwali in the Office of the Commanding Officer, 825 SU AFS(Missamari), C/o-99 APO.
- 2) That the applicant states that on the advice of the District Medical Board constituted vide No.8325-28 dated 06.11.2007, the Joint Director of Health Service, Sonitpur District being the Chairman of the said medical Board vide his Medical certificate dated 29.1.2008 has stated that ^{the} mother of the applicant is completely and permanently incapacitated for further service of any kind

Contd...3

Kati Narayan Singh

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

-3-

in the Department to which she belongs in consequence of "Rheumatoid Arthritis". Thus, on the basis of the recommendation of the said Medical Board, the appointing authority vide order dated 07.05.2009 has allowed the applicant's mother to retire from service on invalid ground with effect from 31.05.2009 (afternoon).

Copies of the constitution of the M.B. dated 06.11.2007, recommendation of the M.B. dated 29.01.2008 and the order of retirement on invalid ground dated 02.05.2009 are annexed herewith at Annexures A, B and C respectively.

3) That the applicant states that after the retirement of his mother on invalid grounds, the applicant had submitted two application on 31.07.2009 and on 05.10.2009 to the Commanding Officer, 825 SU AFS(Missamari), C/o 99 APO for compassionate appointment on the ground of most indigent circumstances to the post of civilian telephone operator or Lower Division Clerk or Typist.

Copies of his application dated 31.07.09 and dated 05.10.09 are annexed herewith at Annexures D and E.

4) That the applicant states that he has already submitted the prescribed PROFORMA in PART-I and PART-II, duly filed in alongwith other requisite documents as mentioned in the appointing authority's CHECK LIST for compassionate appointment on the ground of indigent circumstances. But it is really very shocking and regretable

✓ Kalit Narayan Singh

Contd...4

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

-4-

that the respondent No. 2 (appointing authority) has returned unactioned the application for compassionate appointment to the applicant vide his impugned letter/order No. 825 SU/211/1/3/PC dated 4.9.2009.

Copies of impugned letter/order dated 4.9.2009 and Proforma PART I & II dated 29.9.2009 are annexed herewith at Annexures-E and F respectively.

5) That it will be pertinent to mention here that the applicant has passed All India Secondary School Examination 1993 and the Senior School Certificate Examination, 1995 from Kendriya Vidyalaya, Jorhat, Assam. He knows both English and Hindi Type writing and has qualified for Computer Professional Course. So, the applicant is quite qualified for a civilian post of LDC, Typist and Computer Operator.

Copies of the Pass Certificate of above examination are annexed herewith at Annexure-G¹, G², G³, G⁴ and G⁵ respectively.

6) That the applicant states that there are vacancies in the post of LDC/Typist/Computer Operator in the Office of the Air Officer Commanding (AOC), No. 10 WING AFS Jorhat C/o 99 APO. That apart, there are vacancies in above posts in other Air Force Offices in the North East Region.

7) That it will be relevant to mention here that the mother of the applicant has not yet received her invalid monthly pension. The financial condition of

Contd...5

✓ Dalit Narayan Singh

-5-

the applicant is going from bad to worse with every passing days. No other member of his family is in Govt. employment. Only a part of ~~retiral~~ benefit has been received by his mother. This small amount is going to be exhausted soon. If the applicant is not provided with a civilian job under Air Force Authority, his family members will have to face starvation. As such, the applicant is in dire need of an employment on compassionate ground in indigent circumstances.

8) That the applicant prays to take the indulgence of the Hon'ble Tribunal to point out that pursuant to O.M. No.14014/6/86-Estd.(D) dated 30.6.1987 of the Personnel and Training Department of the Govt. of India, if the condition of the family is indigent and is in great distress, the benefit of compassionate appointment may be extended to a son/daughter/near relative of a Govt. Servant retired on medical grounds under Rule 38 of the Central Civil Services(Pension) Rules,1972 etc. In case of Group-D employees whose normal age of superannuation is 60 years, compassionate appointment may be considered before they are retired on medical grounds before attaining the age of 57 years. The mother of the applicant was allowed to retire at the age of 55 years. Hence, the applicant is entitled to compassionate appointment.

V. RELIEF/RELIEF(S) SOUGHT FOR AND THE GROUNDS :

1. For that the respondents Nos.3 and 4 have wrongly returned unactioned the application for compassionate appointment of the applicant vide his impugned letter/order

✓ Kalik Narayan Singh

Contd...6

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

6

-6-

dated 04.09.2009 (Annexure-E). This amounts to violation of the provisions of the O.M. dated 30.6.1987 of the Govt. of India.

2) For that the respondents Nos. 3 and 4 have utterly failed to comply with the provisions of O.M. dated 30.6.1987 of the Govt. of India to dispose of the application dated 5.10.2009 of the applicant as expeditiously as possible considering the indigent and distressed conditions of the family of the applicant. Thus, it appears that their non-action on the application of the applicant is motivated, deliberate and arbitrary.

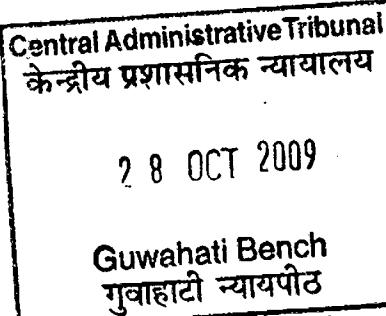
3) For that the mother of the applicant was holding a Group-D post of Safaiwali with a meagre monthly salary. Because of her retirement on invalid monthly pension which is yet to be processed by the respondents. The pensioner mother of the applicant is a "Rheumatoid Arthritis" patients, now without any source of income. All these humanitarian aspects ought to have been taken into consideration by the respondents. Thus, the respondents have utterly failed to apply their mind to mitigate the sufferings of the family.

VI. DETAILS OF THE REMEDIES EXHAUSTED :

The applicant ^{has} exhausted all the departmental remedies available to him by filing two applications on 31.7.2009 and on 3.10.2009 to the Respondent No. 4 praying for compassionate appointment. But the latter application has been returned to the applicant without any relief.

Contd... 7

Kalit Narayan Singh



-7-

**VII. MATTER NOT PREVIOUSLY FILED OR PENDING
IN ANY OTHER COURT :**

The applicant has not filed any case in this matter nor any such case is pending in any other court.

VIII. INTERIM ORDER/PRAYER FOR :

The applicant does not pray for any interim order in this application.

IX. RELIEF/RELIEF(S) SOUGHT FOR :

In view of the facts and circumstances stated above, the applicant prays that this Hon'ble Tribunal may kindly dispose of this application at the admission stage by giving a direction to the respondents No.3 and 4 to consider the case of the applicant for compassionate appointment\$ to a post of LDC or Typist or computer Operator preferably in the Office of the Air Officer Commanding (AOC) No.10 WING AFS, Jorhat, C/o 99 APO where there are existing vacancies and or in any other office in the North Easter Region and/or in any office under the administrative Control of the Respondent No.2 (Air Marshall, Eastern Command(EAC), Head Quarters, Shillong, C/o-99 APO) within a time frame and/or pass such further order/orders as your Lordships may deem fit and proper. And for this act of kindness, the applicant as in duty bound shall ever pray.

Contd...8

✓ Dalit Narayan Singh

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

81
-8-

X. PARTICULARS OF THE I.P.O.

I.P.O. For Rs.50,00/- bearing No.39G436700 dated
21.10.2009 payable at G.P.O. Guwahati.

XI. LIST OF DOCUMENTS :

As stated in the INDEX.

Contd....Verification...p/9

✓ Laksh Narayan Singh

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

-9-

-VERIFICATION-

I, Shri Lalit Narayan Singh, son of Late M. Singh, aged about-32 years, by caste-Hindu, by occupation-unemployed, resident of MES Shiv Mandir, Rewariah MES Gate, Jorhat-785605, Assam do hereby verify that the statements made in paragraphs 1 to 11 hereinabove are true to my knowledge and belief and that I have not suppressed any material facts.

And I sign this Verification on this 28th day of October, 2009 at Guwahati.

Place :-Guwahati

Dated the 28th October,
2009.

Lalit Narayan Singh
(LALIT NARAYAN SINGH)

Signature of the Applicant

EXCEMPT
OFFICE ORDER

10

NO. 8325-28 / A Dist. Level Medical Board is hereby constituted with the following members and the same will be held on 07/11/07 at 10 A.M. at the office of the undersigned.

1. The Joint Director of Health Services, Chairman, Santipur, Tezpur.
2. Dr. A. Goswami, M.D. (M), Tezpur. Members.
3. Dr. M. C. Das, M.D. (M) Tezpur. Members.
4. Dr. Kiranya Boruah, M.M & H.O., CLM Chest Hospital, Tezpur. Members.

Joint Inspector of Health Services
SANTIPUR DISTRICT.

Manu No. 8329-32/ Distt, Tezpur the 6th Nov/07
Copy to:

1. Smti. Puspita Devi, D/o S/o Dr. N. K. Bhattacharya to appear Medical Board on 07/11/07 at 10 A.M. with relevant documents office of the undersigned.
2. Md. Abdul Jaffar, Head Teacher to appear Medical Board on 07/11/07 at 10 A.M. with relevant documents office of the undersigned.
3. Smti. Kaushalya Devi, M/o N. M. Chakraborty to appear Medical Board on 07/11/07 at 10 A.M. with relevant documents office of the undersigned.
4. Smti. Anu Devi, w/o M. Singh, 823 SU AF c/o 99 APO to appear Medical Board on 07/11/07 10 A.M. with relevant documents office of the undersigned.

Attested

28/10/09

C. H. K. DAS

Advocate

10/11

Joint Director p2 Health Services,
Santipur, Tezpur.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायालय

ANNEXURE - B.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

FORM-23

See Rules 38(3) of AMA Rules, 1944

FORM OF MEDICAL CERTIFICATE



Certified that I/We have carefully examined Smt. Anu Alvi,
Son/Wife of Shri/She late. M. Singh, a Group-D civilian employee
of Air Force. His/Her age as per service documents is 31/12/55 (Date of
birth) and by appearance about 53 years. I/We consider Shri
Smt. Anu Alvi to be completely and permanently incapacitated for further
service of any kind in the Department to which he belongs in consequence of

Rheumatoid arthritis

(here stated disease or cause)

(If the incapacity does not appear to be complete and permanent, the certificate
should be modified accordingly and the following addition should be made).

I am/We are of opinion that Shri/Smt. is fit for
further service of a less labourious character than that which She had been doing/may
after resting for months, be fit for further service of less
labourious character than that which he had been doing.

Place
Date



Attested

28/10/09

C.H.K.DAS

Advocate

Joint Director of Health Service
Sonitpur, Tezpur
Medical authority

Central Administrative Tribunal
केंद्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

ANNEXURE - C

12

Tele : 302

Civil Admin

825 SU, AF

825SU/211/1/3/PC

30 May 09

Smt Anu Devi
(825 SU/D/43)
Safaiwalli

RETIREMENT FROM SERVICE ON INVALID PENSION

825SU/D/43 SMT ANU DEVI S/WALLI

1. Reference is made to your personal application dated 02 Aug 07 on the above mentioned subject.

2. It is intimated that Medical Board has recommended for retirement on invalid pension and you are proceeding on retirement on invalid pension wef 31 May 09, SORS on 01 Jun 09.

3. You are requested to submit the following documents / information for further action by this office in this regard.

- (a) 06 (six) copy of recent pass port size photographs.
- (b) Intimate the residential address after retirement.
- (c) Bank name, place and Account No through which you prefer for the transaction of pensionary benefits after retirement.
- (d) To submit clearance certificate duly completed in all respects in six copies.

4. Form of clearance certificate in six copies (Blank) is enclosed herewith.

Attested

28/10/09

(H.S. Basu)

Advocate



(TR Behara)
Sqn Ldr
OIC Civ Adm

Encl: As Stated

From :- Lalit Narayan Singh
 S/o Mrs. Anu Devi
 Rowriah MES Gate
 Jorhat - 785005 (Assam)

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
 गुवाहाटी न्यायालय

To,
 The Commanding Officer
 825 SU AFS (Missamari)
 C/o 99 APO

(For kind personal attention)

Sub : Application for Compassionate Appointment.

Respected Sir,

I have the honour to inform you that my mother Smt. Anu Devi pass No. 43/D/825 SU had been Medical boarded out under CCS Rule 38, 1972 on 01.06.09. the fact is well known to your good self.

That Sir, what ever my mother had earned throughout her service are all sold out for her treatment, now we are living in a rented accommodation without any source of income Sir due to abject poverty it is very difficult for me to bear with domestic affairs along with a ailing mother, mental disable brother and a younger sister.

In view of the above I pray your good office with folded hands to kindly look into the matter and I may please be provided an opportunity to serve under your kind and able command as a civilian telephone operator (CSBO) and relieve me from the prevailing financial crisis, a proforma regarding employment is attach along with.

For this act of your kindness I as well as my whole family shall ever remains grateful to you.

Thanking you in anticipation.

Yours faithfully

Lalit Narayan Singh
 (Lalit Narayan Singh)

Dated : 21.07.09

Enclosed : 12 copies

Copy to :

- i) AIR MARCHAL, HQSAC IAF
 C/o 99 APO
- ii) AIR CHIEF MARCHAL
 AIR HQSACQUARTER (VB)
 NEW DELHI - 110011

for similar prayers
 as prayed for

Attested
 28/10/09
 (C. H. K. Das)
 Advocate

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायालय

From :

Sri Lalit Narayan Singh
S/o Mrs. Anu Devi
C/o Shiva Mandir, Rowriah M.E.S. Gate
Jorhat -785 005

To,

The Commanding Officer
825 SU, AFS, Missamari
C/O 99, A.P.O,

ANNEXURE - D

SUB : COMPASSIONATE APPOINTMENT IN MOST INIDGENT CIRCUMSTANCES

Respected Sir,

Reference my application on the above subject dated 31.07.2009, 25.08.09, 16.09.2009 addressed to you and HQ EAC IAF letter no. EAC/1631/1/PC dated 18th Aug. 09 and your remark on it letter no. 825 SU/211/1/3/PC dated 04. Sept. 09.

Most humbly it is requested that inspite of my personal request my application for compassionate appointment is returned unaction due to which my financial position is going bad to worst with my ailing mother mental disable brother and a younger sister having no landing property / source of income in such hard days.

That Sir, it is to inform you that the following requisite documents as mentioned in the check list for employment under indigent circumstances is annexed herewith-

1. 2 Copies of Indigent Certificates.
2. Undertaking Certificate.
3. Willingness Certificate for Gr. 'C' Post.
4. Willingness Certificate for Serve anywhere in India.
5. No Objection Certificate.
6. Date of Birth Certificate.
7. Financial / Economical Certificate.
8. Marital / Employment/ Residential Certificate
9. Medical Boardouf Certificate
10. Proforma

In view of the above as a indigent helpless youth I pray your good office with folded hand to appoint me as civilian telecome operator / LDC in your office at your earliest possible and receive me from the present financial crisis.

Thanking You with anticipation

I remain sir,

Yours faithfully

Dated 05. 10 - 09
(Lalit Narayan Singh)

✓ Copy to :

1. Air Marshal, H.Q. EAC, Shillong -- for information please.
2. Air Chief Marshal, H.Q. Vayu Vawan, New-Delhi - 110011 -- for information please

Attested
28/10/09
(H.K.DAS)
Advocate

ANNEXURE-E

Telephone. 03714 - 253507/ Extn : 302

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Shri Lalit Narayan Singh
S/o Smt Anu Devi
C/o MES Shiv Mandir
Rowriah MES Gate
Jorhat - 785005

825 SU, AF
PIN-937825
C/O 99 APO

04 Sep 09

COMPASSIONATE APPOINTMENT IN MOST INDIGENT CIRCUMSTANCE

1. Reference is made to your application dated 31 Jul 09 for the above mentioned subject.
2. Your application for employment under indigent circumstances ground is returned unactioned as the application is not properly completed. However, the check list for employment under indigent circumstances is annexed herewith.
3. You are advised to liaise with Station Civil Admin Section along with requisite documents as mentioned in Check list for consideration of your case.
4. Further, it is to inform you that GPF amount of Rs. 1,31,785/- (Rupees One Lakh thirty one thousand seven hundred eight five only) has already been forwarded vide DD No. 664495 dated 11 Aug 09 in respect of your Mother i.e. Smt Anu Devi, Ex-S/Wali and process of other pensionary benefits are in progress on top priority.


(TR Behara)
Sqn Ldr
OIC Civil Admin
For Stn Cdr

Annex : As Stated

Copy to:

Air HQ (VB)
(SO/PC/5)
New Delhi-11

For information please.

HQ EAC, IAF
(OIC PC)
C/O 99 APO

For information please.

Attested
28/10/09
C. H. K. PAS
Advocate

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

ANNEXURE - F

16

Appd to Adm HO/23039/293/Cen/PC-3(B) dated 17 Dec 90

PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF GOVERNMENT SERVANTS DYING WHILE IN SERVICE/RETired ON MEDICAL GROUNDS

PART-I

1.	(a) Name of the deceased/retired	Mrs ANU DEVI
	(b) Designation of the employee	SALWALI
	(c) Date of birth of the employee	31.12.1955
	(d) Date of death/retirement/invalid pension	31.03.2009
	(e) Total length of service rendered	2 Years 6 months 17 days
	(f) Whether permanent or temporary	PERMANENT
	(g) Whether belonging to SC/ST	
2.	(a) Name of the candidate for appointment	LAUT MARYAM SINGH
	(b) His/her relationship with the employee	ELDER SON
	(c) Date of birth	12-09-1970
	(d) Educational qualifications	10TH PASS, DIPLOMA IN COMPUTER EDUCATION ENGLISH MEDIUM H/A
	(e) Whether any member of the family has already applied for Gp 'C' & 'D' post If so, details thereof	THE EMPLOYEE M/s ANU DEVI WAS EMPLOYED ON COMMISSIONERATE GROUNDS VIDE 11G/EMC/TAF LETTER EMC/1631/4/PC DATED 07.08.1996
3.	(a) Particulars of total assets left including amount of Family Pension	Unsettled Pension Papers forwarded to CDA(AT)
	(ii) Death cum retirement gratuity	Unsettled Pension Papers forwarded to CDA(AT)
	(iii) GPF Balance	1,31,785/-
	(iv) LI Policies (including postal life Insurance)	NIL
	(v) DLIS	NIL
	(vi) Movable and immovable properties and annual income earned there from by the family	Copy attached
	(vii) CGEGIS	28331-
	(viii) Encashment of Lc. vs	Unsettled Lvc/lpc forwarded to CDA(AT)
	(ix) Any other assets	I am liable to support all of my family members
	(Brief particulars of liabilities, if any).	

Cont'd....P/02

Attested

28/10/09
C.H.K.DAS

Advocate

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

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

Sl No	Name	Relationship with the Govt servant	Employed or not if so income and other details
	LALIT NARAYAN SINGH	ELDER SON	UNEMPLOYED
	AMRENDRA SINGH	SON	UNEMPLOYED
	KIRAN SINGH	DAUGHTER	UNEMPLOYED

DECLARATION

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, also at a future date my services may be terminated.

Date : 29.09.09
2009

Lalit Narayan Singh
Signature of the candidate

Shri/Smti LALIT NARAYAN SINGH is known to me and the facts mentioned by him are correct.

Signature of permanent Govt servants

Name : *Ajanta Basu*
Address : *941, Agartala Block*

Development Project Officer,
Brahmaputra ICUS Project
Panbari

Date : 29.09.09
2009

Attested
28/10/09
(H. K. DAS)

Advocate

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायपीठ

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

-03:-

PART-II

- (a) Name of the candidate for appointment
- (b) His/Her relationship with the employee
- (c) Educational qualifications, age (date of birth) and experience if any.
- (d) Post for which employment is proposed
- (e) Whether the Recruitment Rules provide for direct recruitment.
- (f) Whether the post is to be filled in CSGS or in a non-participating office.
- (g) Apart from the waiver of employment exchange procedure what other relaxations are to be given.

Whether the facts mentioned in Part-I have been verified by the office and if so, indicate the records.

Personal recommendations of the Head of the Department/Ministry.

Whether (as per unit records) any member of the family has already applied for Gp 'C' & 'D' post, if so, details thereof.

If the employee died/retired on invalid pension more than 5 years back why the case was not sponsored earlier. Brief reasons for delay.

ANNEXURE - F

: LALIT KIRAN SINGH

: ELDER SON

: 10+2 PASS, DIPLOMA IN COMPUTER EDUCATION

: ENGLISH, HINDI, TYPING

: CIVILIAN TELEPHONE OPERATOR / LOCAL

: As applicable

: Employment may be given Under
indigenous circumstances

: Yes Verified from Service Record

: Strongly Recommended for Employment

: N/A

: N/A

Signature of the Head of Dep't/Office

Attest
28/10/09

C. H. K. Das

Advocate

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
গুৱাহাটী ন্যায়পাঠ

19

ANNEXURE-F

INDIGENT CERTIFICATE

It is certified that family of Smt. Anu Devi was working as S/ wall at 825 Se
unit is in indigent circumstance after the medical boarded out from service, there
being no other earning members in family. The responsibility of supporting the
mention is on the shoulders of her only sibling elder son of Smt. Anu
Devi.

Date: 27-09-09

A. Debi
Child Development Project Officer
District Golaghat PDS Project

MARITAL/EMPLOYMENT/RESIDENTIAL CERTIFICATE

This is to certified that Sri Lalit Narayan Singh elder son of Smt Anu Devi resident
of Rowrah MES Gate, P.S. Rowrah, P.O. Rowrah, Dist Jorhat Assam is an
unmarried and unemployed youth.

I wish him all success in his life.

Date: 27-09-09

Attested
on 28/10/09
(H.K.PAS)
Advocate

A. Debi
Child Development Project Officer
District Golaghat PDS Project

It is certified that family of Smt. Anu Devi who was working as S/wali at 825 Guwahati is in indigent circumstance after the medical boarded out from service, there being no other earning members in the family. The responsibility of supporting the members got on the shoulders of Mr. Walit Narayan Singh elder son of Smt. Anu Devi.

Date - 27-9-09

Sdy A. Devi
Child Development Project
Officer, ICDS Project,
District Golaghat.

MARITAL | EMPLOYMENT | RESIDENTIAL CERTIFICATE

This is to certify that Shri Walit Narayan Singh elder son of Smt. Anu Devi resident of Rowrah MES Gate, P. S. Rowrah, Dist. Jorhat, Assam, is an unmarried and unemployed youth.

Date - 27-09-09

Sdy. A. Devi,
Child Development Project
Officer, ICDS Project,
District Golaghat.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

20 ACT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

20
ANNEXURE - F

UNDERTAKING CERTIFICATE

I Lalit Narayan Singh S/o Smt Anu Devi, Pass No : 825 Su / D / 43 Ex S / walli do hereby given undertaking that I shall look after family members on my employment.

Date : 02.10.09

Lalit Narayan Singh

Lalit Narayan Singh
S/o Smt Anu Devi
Pass No : 825 Su / D / 43

WILLINGNESS CERTIFICATE

I Lalit Narayan Singh S/o Smt Anu Devi, Pass No : 825 Su / D / 43 Ex S / walli am willing to serve any where in India. I give my willingness on this day..... 02..... Month..... Oct..... Year 2009.

Date : 02.10.09

Lalit Narayan Singh

Lalit Narayan Singh
S/o Smt Anu Devi
Pass No : 825 Su / D / 43

WILLINGNESS CERTIFICATE

I Lalit Narayan Singh S/o Smt Anu Devi, Pass No : 825 Su / D / 43 Ex S / walli am hereby giving my willingness certificate to accept Group 'C' Civilians Telephone Operator (CSBO) / LDC post on this Day..... 02..... Month..... Oct..... Year 2009.

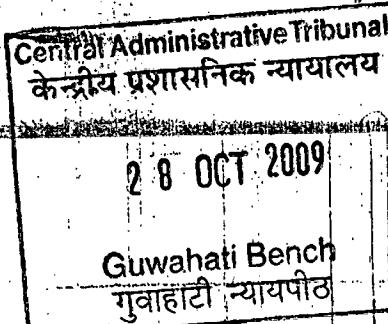
Date : 02.10.09

Lalit Narayan Singh

Lalit Narayan Singh
S/o Smt Anu Devi
Pass No : 825 Su / D / 43

Attested
28/10/09

(H.K. DAS)
Advocates



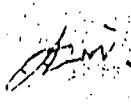
28 OCT 2009

ANNEXURE-F

NO OBJECTION CERTIFICATE

I Smt. Anu Devi and my adopted children do hereby give our consent that we have no objection if my elder son Lalit Narayan Singh is given appointment on compassionate ground.

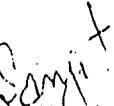
Thanking you


Mrs Anu Devi
M/O Lalit Narayan Singh

NO OBJECTION CERTIFICATE

I Shri Sanjit Singh S/o Smt. Anu Devi living apart from family do hereby give my consent that I have no objection if my elder brother Shri Lalit Narayan Singh is given appointment on compassionate ground after medical board out of my mother.

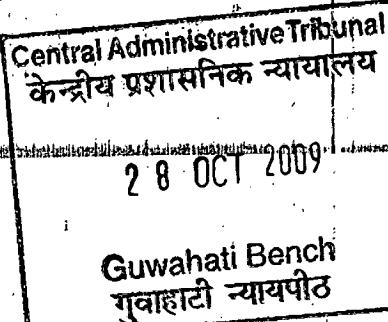
Thanking you


Sanjit Singh
S/o Smt Anu Devi.

Attested

28/10/09
C. H. DAS

Advocate



ANNEEXURE - G

फॉरम संख्या 000045564

SERIAL NO. SSE/93/

केन्द्रीय माध्यमिक शिक्षा बोर्ड

Central Board of Secondary Education

सेकंडरी एग्जाम, 1993

ALL INDIA SECONDARY SCHOOL EXAMINATION, 1993

यह प्रमाणित किया जाता है कि

This is to certify that

अनुक्रमांक

LALIT NARAYAN

आस्मान/आस्मान श्री

Roll No. 3108312

Son/Daughter of Shri M. SINGH

अपनी जन्म तिथि

born on THE FIFTH SEPTEMBER, NINETEEN HUNDRED AND EIGHTY SEVEN

है, ने बोर्ड द्वारा मार्च 1993 में आमेजिंट सेकंडरी एग्जाम

passed the Secondary School Examination of the Board held in March, 1993

शिक्षालय से

from KENDRIYA VIDYALAYA JORHAT, ASSAM

निम्न विषयों में उत्तीर्ण की-

in the following subjects:

1. ENGLISH COURSE A 2. HINDI COURSE A

4. SCIENCE WITH PRAC 5. SOCIAL SCIENCE

7. PHYS & HEALTH EDUCATION 8. ART EDUCATION

3. MATHEMATICS

6. WORK EXPERIENCE

नोट
Delhi
रिमार्क

Dated 21-06-1993



Pr. R. K. Das

Controller of Examinations

केन्द्रीय माध्यमिक शिक्षा बोर्ड

Central Board of Secondary Education

* का चिन्ह विसंविषय के आगे लगा है, वह विषय विद्यार्थी ने पूरक परीक्षा में उत्तीर्ण किया है।

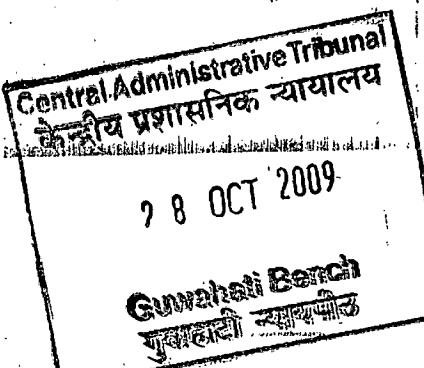
* against a subject indicates that the candidate passed in this subject at the
Compartmental examination.

Attested by

28/10/09

(C. H. K. Das)

Advocate



23

ANNEXURE - G²

ए.ड. संख्या ०००५४८८५०
S.NO. SSCE/95/

केन्द्रीय माध्यमिक शिक्षा बोर्ड
Central Board of Secondary Education

ALL INDIA सामन्यराफ़त सर्टिफिकेट परीक्षा, 1995

SENIOR SCHOOL CERTIFICATE EXAMINATION, 1995

ए.ड. प्रमाणित किया जाता है कि

This is to certify that

अनुमति

Roll No. 3204905

LALIT NARYAN SINGH

आत्मज/आत्मजी

Son/Daughter of Shri M SINGH

परीक्षा में 1995 में आयोजित शिक्षा बोर्ड के सर्टिफिकेट परीक्षा

परीक्षा में 1995 में आयोजित शिक्षा बोर्ड के सर्टिफिकेट परीक्षा

विद्यालय से

from KENDRIYA VIDYALAYA JORHAT ASSAM

निम्न विषयों में उत्तीर्ण की:-

in the following subjects:

ENGLISH CORE

HINDI ELECTIVE

HISTORY

GEOGRAPHY

ECONOMICS

WORK EXPERIENCE

PHY AND HEALTH EDU

GENERAL STUDIES

Delhi
इनाम
Dated 14-08-1995

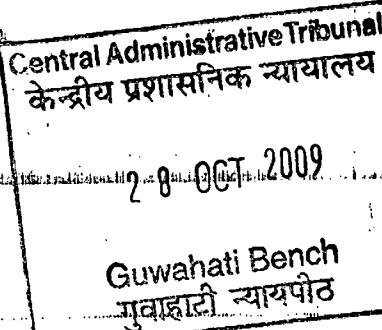


K. S. Sarma
कृष्णा सर्मा
Controller of Examinations
केन्द्रीय माध्यमिक शिक्षा बोर्ड
Central Board of Secondary Education

का विद्युत नियम के आगे लगा है, कि इनमें परीक्षार्थी ने पार्स के परीक्षा में उत्तीर्ण किया है।
against a subject indicates that the candidate passed in the subject at the
Compartmental examination.

Accepted by

28/10/09
(A.R. Dass)



24
ANNEXURE - G 3

No. 155 GOVERNMENT REGISTRATION No. 792.

RANGAPARA

Dated. 17th July. 1997

PURBACHAL
TYPEWRITING

ESTD. 1993
Rangapara
Sonitpur : Assam.

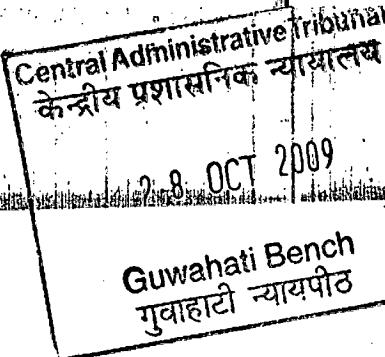
ENGLISH TYPEWRITING / ENGLISH SHORTHAND / ASSAMESE TYPEWRITING
DIPLOMA CERTIFICATE - 1997-98

Certified that Sri/Smt. Lalit Narayan Singh S/0/210
W/O Late Mr. Singh Of Jorhat, Jorhat, Assam
has attended a full Course of training in English Typewriting/Shorthand/
Assamese Typewriting of this institute and has successfully passed the final
Examination having attained 40 w.p.m. (Faster)
Words per minute which was held on 15th day of March 1997
During the Tenure He/She was most Sincere and active. He/She is being Considered to be
absorbed in any Enterprise, as a Typist.



PRINCIPAL
PURBACHAL TYPEWRITING SCHOOL
RANGAPARA, Assam.

Attested by
23/10/09
(A. K. DAS)
Advocate



25

ANNEXURE - G

APTECH
COMPUTER EDUCATION

To Whom It May Concern

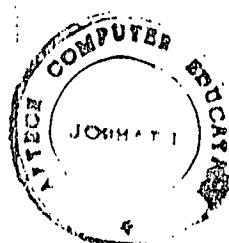
This is to certify that Mr. Lalit Narayan Singh, Roll No 14.024/200007/0709 is a student at APTECH COMPUTER EDUCATION, NETWORK CENTRE - JORHAT for 1 year course (APTECH CERTIFIED E-COMMERCE PROFESSIONAL COURSE.)

During this period he has gained knowledge in the following subjects.

1. Computer Fundamentals
2. Ms-Office
3. Concept of Networking
4. Event Programming Concepts(Java Scripts)
5. Designing Web Site and HTML (Front Page 2000)
6. Concepts of RDBMS and Implementing Database (SQL Server)
7. Developing Solutions with Visual Basic 6.0

We wish him the best in all his endeavors.

For APTECH COMPUTER EDUCATION, JORHAT.



(Centre Coordinator)

Date : 12.09.2001

APTECH
COMPUTER EDUCATION

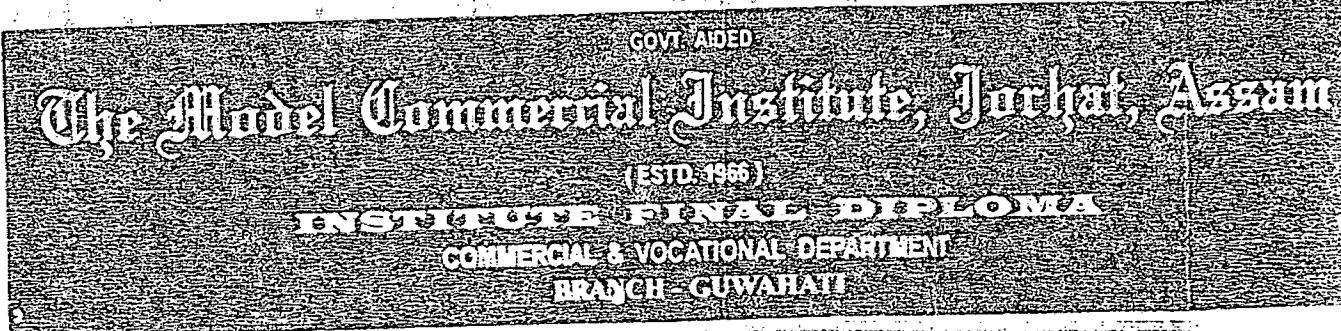
1st Floor, Opp. Prince of Wales, Gar-Ali, Jorhat, Tel- 326263, 327811.e-mail : accjor@gw1.dot.net.in, website : www.aptechjorhat.com
H.O. & Regd. Office : Elite Auto House, 54-A, Sir M. Visanji Road, Andheri (E), Mumbai 400 093
Tel. 838 9831-36, 821 3180-85, Telex: 011-79059, Fax : 91-22-838 9828, website : www.aptech-education.com.

Regd. No. 210

No. 21691

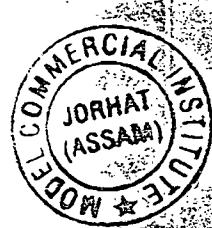
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

8 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

CERTIFIED that Sri. Latit Narayan Singh has attended a full course of training in Typewriting (Hindi) of this Institute and had successfully passed the Final Diploma Examination having attained a speed of 35 (Thirty five) words per minute and being placed in the First Division.

I consider him fully qualified to undertake the duties of a Typist (Hindi).

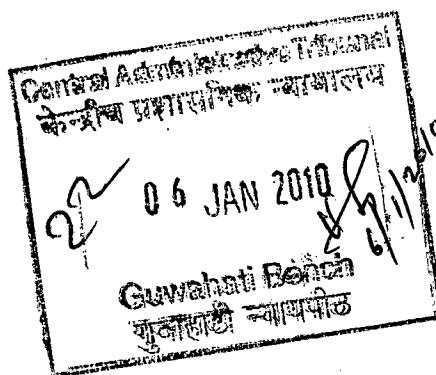
Date February 12, 2009.

Attestable
28/2/09
C. H. K. DAS
Advocate

28/2/09
PRINCIPAL
PRINCIPAL & SECRETARY
Smt. R. D. DAS
The Model Commercial Institute
P.O. Jorhat-1 (Assam)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

IN THE MATTER OF



Original Application No.224/2009.

Shri Lalit Narayan Singh

.....Applicant

- Versus -

Union of India & Ors.

.....Respondents

Filed by the
Respondent

M
(Alok Kumar)
Air Commodore
Air Officer Commanding
19 Wing, Air Force
through L. K. Banerjee, Addl. C.A.S.C. in CAT
on - 5-1-2010

IN THE MATTER OF

Written statement submitted by the Respondents No.

WRITTEN STATEMENT

The humble answering respondents

submit their written statement as follows

1.(i) That I Air Comde Alok Kumar
Working as Air officer commanding, 19 Wing Air Force
and Respondents No. all in the above case and I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the written statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the statement on behalf of all the respondents.

(ii) That the answering respondents beg to submit preliminary objection as follows :

The applicant has approached this Hon'ble Tribunal prematurely as his application is still under process, the delay in processing of his application is

Recd. Copy
C. T. K. DASS
5/1/2010

due to want of final amount of terminal benefits of the applicant's mother, Smt Anu Devi, ex Safaiwali of 825 SU. Further, the papers for finalization of terminal benefits were delayed due to the request of the mother of the applicant to receive the same by post instead of submitting the same before her being invalidated out of service of medical grounds.

(iii) That the answering respondents want to rely upon the Brief Fact of the case which may be treated as a part of this written statement.

Brief facts of the case :

Smt Anu Devi was employed as Safaiwali at 825 SU. The lady was medically boarded out on 31st May 2009 (AD) on medical ground. Prior to her retirement from service 825 SU vide letter No.825SU/211/1/3/PC dated 7.5.2009 had asked her to submit the documents/information as mandatory for processing the case with Pension Disbursing Authority. She was also called upon by 825SU for signature of pension papers which she refused. She however, made a request to the unit to dispatch the papers/documents to her home town through post as the Bank Manager's signature can be annotated at Jorhat only. The pension papers were therefore sent to her by registered post vide 825SU vide letter No.825SU/11/1/3/PC dated 20.7.09 with an advise for completion and submission to the unit immediately. While dispatching the above papers, she was also informed about the possible delay due to dispatch by post resulting into delay in processing and grant of pensionary benefits for which the unit administration/authority will not be held responsible.

Pending finalization of the NE benefit, Shri Lalit Narayan Singh son of Smt Anu Devi vide application dated 31.7.09 applied for compassionate appointment. The application being incomplete was returned to the applicant vide 825SU/211/1/3/PC dated 4.9.09 for resubmission as per the check list. The second


(Alok Kumar)
Air Commodore
Air Officer Commanding
19 Wing, Air Force

application dated 3.10.09 was received by the unit on 21.10.09 and the applicant was informed of the processing of his case on receipt of amount of terminal benefits in respect of his mother will be considered on finalization of pension case, for which action is in progress. The applicant was informed of the same vide this HQ letter No.EAC/1631/2/PC dated 6.10.09 (copy annexed).

The subject matter pertains to employment under indigent circumstances within the reservation of 5% quota of the vacancies occurred due to retirement/death/resignation during the preceding year. As per policy in vogue, application for compassionate appointment under indigent circumstances for the Group 'C' posts are considered by Air HQ based on the relevant information/documents/papers relating to family size, age of children, amount of terminal benefits, amount of family pension, liability in terms of unmarried daughters, minor children etc. and also movable/immovable properties of the retired person. The case of Shri Lalit Narayan Singh will be forwarded to Air HQ on finalisation of terminal benefits/pension papers.

2. That with regard to the statements made in paragraphs I, II, III, IV, 1, 2, VII & VIII of the application the answering respondents do not offer any comments.

3. That with regard to the statements made in paragraph IV 3 of the O.A the answering respondents admitted the facts. However, the application for compassionate appointment can be processed/forwarded to Air HQ through Command HQ for consideration only on finalization of all terminal benefits including pension of Smt Anu Devi, ex-Safaiwali of 825 SU, the details of which need to be endorsed at Para 5(a)(i) & (ii) of the proforma for compassionate appointment. The lady was medically boarded out on 31.5.2009 and SORS on 1.6.09. Prior to her retirement from service, 825 SU vide letter


(Alok Kumar)
Air Officer Commanding
Air Officer Commanding
19 Wing, Air Force

No.825SU/211/1/3/PC dated 7.5.09 had asked her to submit the documents/information as mandatory for processing the case with Pension Disbursing Authority. She was also called upon by 825 SU for signature of pension papers which she denied. She however, made a request to the unit to dispatch the papers/documents to her home through post as the Bank Manager's signature can be annotated at Jorhat only. The pension paper were therefore sent to her by Registered post vide 825 SU vide letter No.825SU/211/1/3/PC dated 20th July 2009 with an advice for completion and submission to the unit immediately. While dispatching the above papers, she was also informed about the possible delay in processing the pension papers due to dispatch by post resulting into delay in grant of pensionary benefits for which, the unit administration/authority will not be responsible.

A copy each of the unit's letter dated 7.5.09 and 20.7.09 as mentioned above is annexed as Appendix 'A' and 'B' respectively.

4. That with regard to the statements made in para IV.4 of the O.A the answering respondents beg to state that the same is denied. The application dated 31.7.09 submitted by the applicant were returned vide 825SU/211/1/3/PC dated 4.9.09 for resubmission as per the check list with a request to liaise with station civil admin section along with requisite documents as mentioned in the check list. The second application dated 3.10.09 which was received by the unit on 21.10.09 was again found to be incomplete as the details of NE benefits of his mother were found not entered in the proforma. The applicant was therefore, informed that his case will be processed only on receipt of the amount of terminal benefits of his mother.

5. That with regard to the statements made in para IV 5 of the O.A the answering respondents beg to state that as per policy vide GOI MOD ID No.


Majk Kurnar
Air Commodore
Air Officer Commanding
19 Wing, Air Force

19(4)/824-99/1998-D(Lab) dated 9.3.2001, compassionate appointment are considered based on the weightage on the basis of 100 point scale including family size, age of children, amounts of terminal benefits, amounts of family pension liability in terms of unmarried daughters/minor children etc. and also movable/immovable properties of the retired employee. Therefore, the qualification of the applicant does not automatically qualify him for a post under indigent circumstances.

6. That with regard to the statements made in para IV 6 of the O.A the answering respondents beg to state that Group 'C' ^{vacancies} available at the units/stations in EAC cannot be filled by the unit unless cleared by the Govt./Air HQ vide GOI MOD OM No.14016/6/94-Esst(D) dated 9.10.1998 (copy annexed as Appendix 'C'). In addition the contents in para 5 are reiterated.

7. That with regard to the statements made in para IV 7 of the O.A the answering respondents beg to state that the delay in finalization of the pensionary benefits in respect of the applicant's mother Smt Anu Devi was due to the reasons as stated in para 3 above. As regards the application for compassionate appointment under indigent circumstances, the rule position/criteria for consideration of the same has been mentioned in para 5 above. However, it is intimated that the GPF amount of Rs.1,31,785/- had been paid to Smt Anu Devi vide demand draft No. 664495 dated 11.8.09.

8. That with regard to the statements made in para IV 8 of the O.A the answering respondents beg to state that the said OM No. 14016/6/86-Esst(D) dated 30.6.87 has been reviewed vide OM No 14016/6/94-Esst(D) dated 9.10.1998. As per the revised OM only 5% of vacancies falling under direct recruitment quota in Group 'C' or Group 'D' post is reserved for compassionate appointment under indigent circumstances. Further Rule 38 of the CCS (Pension) Rules, 1972 provide


(Arun Kumar)
Air Commodore
Air Officer Commanding
11 Wing, Air Force

the Govt. servant to retire from service on account of any bodily or mental infirmity which permanently incapacitates him/her for the service. Therefore, the said rule is applicable exclusively for allowing the employee to retire on medical grounds before attaining the age of superannuation. The said Rules make no reference whatsoever for providing of compassionate appointment as has been claimed by the applicant. The object of compassionate appointment under indigent circumstances is to grant appointment to a dependent family members of a Govt. servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood.

9. That with regard to the statements made in para V 1 of the O.A the answering respondents denied the aforesaid statements. Further, the contents of para 4 are reiterated.

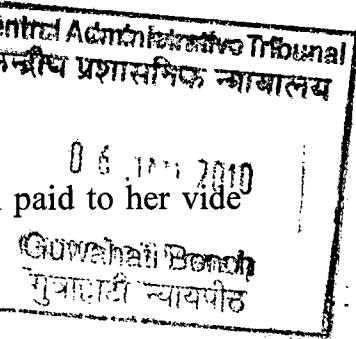
10. That with regard to the statements made in para V 2 of the O.A the answering respondents beg to reiterate the contents of para 8. However, his application dated 3.10.09 for compassionate appointment can be processed on resubmission of the same to the unit duly completed in all respect including the NE benefits of his mother Smt Anu Devi at para 3(a) (i) & (ii) of the requisite proforma (Annexure-F of the O.A). It is reiterated that finalization of the NE benefits has been delayed due to the choice of his mother to ask for the requisite papers/documents by post at Jorhat when she could have complete the same at 825 SU itself prior to her retirement on medical grounds.

11. That with regard to the statements made in para V 3 of the O.A the answering respondents beg to state that the reasons for the delay in finalization of her pension has been mentioned in para IV (3) and V(2) above. The pension papers of the mother of the applicant are under process at the Pension Disbursing Authority and the lady will be getting her pension as applicable under Pension



(Atak Kumar)
Air Commodore
Air Officer Commanding
19 Wing, Air Force

Rules. Further a GPF amount of Rs.1,31,785/- has already been paid to her vide
Demand Draft No. 664495 dated 11.8.09



12. That with regard to the statements made in para VI of the O.A the answering respondents beg to state that the first application dated 31.7.09 being incomplete was returned vide 825SU/211/1/3/PC dated 4.9.09 for resubmission as per the check list. The second application dated 3.10.09 will be considered on finalization of pension case, the action of which is in progress. (copy enclosed)

13. That with regard to the statements made in para VII & VIII of the O.A the answering respondents do not offer any comment.

14. That with regard to the statements made in para IX of the O.A the answering respondents beg to state that the relief sought for by the applicant i.e. for considering his application for compassionate appointment under indigent circumstances can be processed as and when details of terminal benefits of Smt Anu Devi are available to be incorporated in the proforma. The said proforma shall then be sent to Air HQ for further processing. The finalization of NE benefits is however, delayed due to the choice of Smt Anu Devi to call for documents by post at Jorhat instead of completing the same at 825 SU itself before her being medically boarded out from service. In this connection a letter to Smt Anu Devi vide 825SU/211/1/3/PC dated 20.7.09 is annexed. Further, no guarantee of job can be given as the case will be considered by Air HQ on merit in terms of MOD ID No.19(4)/824-99/1998-D(Lab) dated 09.03.01.

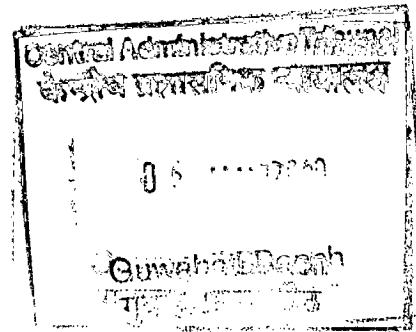
15. That the application is devoid of any merit and deserved to be dismissed.


(Alok Kumar)
Air Commodore
Air Officer Commanding
19 Wing, Air Force

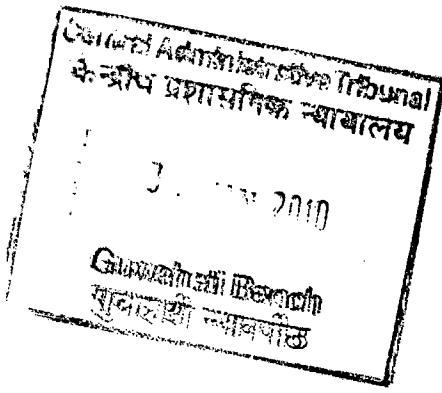
16. That the reply has been made bonafide and for the ends of justice and equity.

It is therefore humbly prayed before this Hon'ble Tribunal that the present application filed by the applicant may be dismissed with costs.


(Atak Kumar)
Air Commodore
Air Officer Commanding
18 Wing, Air Force



VERIFICATION



I Air Cmde Alok Kumar

Son of Late Sh Bikram Pal Singh aged about 50 years, resident of Wing House, Mountain Shadows, Azora, Guwahati working as Air Officer Commanding

Duly authorized and competent officer of the answering respondents to sign this verification, do hereby solemnly affirm and verify that the statements made in paras 1, 2, 4, 5, 7 to 16 are true to my knowledge, belief and information & those made in para 3 - 6, being matter of record are true to my

knowledge as per the legal advice and I have not suppressed any material facts
and I sign this verification on this 4th day of December, 2009 at


(Alok Kumar)
Air Commodore
Air Officer Commanding
18 Wing, Air Force

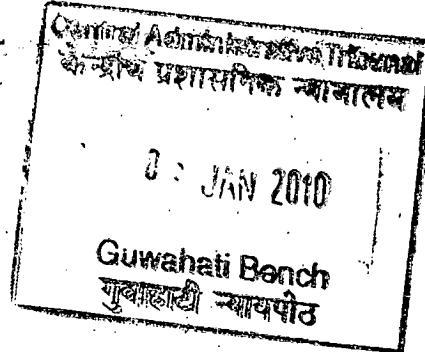
enclosure copy -

52

Tele: 22000/2415

EAC/1631/2/PC

Lalit Narayan Singh
 S/O Mrs Anu Devi
 C/O MES Shiv Mandir
 Rowrah MES Gate
 Jorhat 785005

HQ EAO, IAF
 C/O 99 APO

16 Oct 09

**EMPLOYMENT ASSISTANCE UNDER INDIGENT
 CIRCUMSTANCES**

E/51

1. Reference is made to your application dated 16 Sep 09.
2. It is inform that your application for compassionate appointment under indigent circumstances has been returned by 825 SU for completion as per the check list. In this connection 825 SU letter No 825SU/211/1/3/PC dated 04 Sep 09.
3. It is also to inform that compassionate appointment under Indigent circumstance is purely based on financial implication. However, in absence of Family Pension, DCRG, GPF, CGEIGS amount etc of the retired employee, therefore, laisse with 825 SU for further necessary action.

certified to be
 true copy
 5/1/2010

Yours faithfully,


 (PS Lyngdoh)
 CGO(A)
 OIC PC
 For AOC-in-C

Copy to :

825 SU, AF - Refer representation of Shri Lalit Narayan Singh
 dt 16 Sep 09. You are requested to process the case
 after finalization of Family pension/DCRG

-11-
-97-

03714253507

AFPS - 14

Encl-1

3/7

03

Tele : 302

825SU/211/1/3/PC

Smt Anu Devi
(825 SU/D/43)
Safaiwali

2010

Guwahati Bench
গুৱাহাটী ন্যায়ালয়

RETIREMENT FROM SERVICE ON INVALID PENSION

825SU/D/43 SMT ANU DEVI, SWALI

Civil Admin
825 SU, AF

03 May 09

1. Reference is made to your personal application dated 02 Aug 07 on the above mentioned subject.

2. It is intimated that Medical Board has recommended for retirement on invalid pension and you are proceeding on retirement on invalid pension wef 31 May 09, SORS on 01 Jun 09.

3. You are requested to submit the following documents / information for further action by this office in this regard.

- (a) 06 (six) copy of recent pass port size photographs.
- (b) Intimate the residential address after retirement.
- (c) Bank name, place and Account No through which you prefer for the transaction of pensionary benefits after retirement.
- (d) To submit clearance certificate duly completed in all respects in six copies.

4. Form of clearance certificate in six copies (Blank) is enclosed herewith.

Encl: As Stated

(TR Behara)
Sqn Ldr
OIC Civ Adm

2 copies
Certified to be true copy
5-1-2010

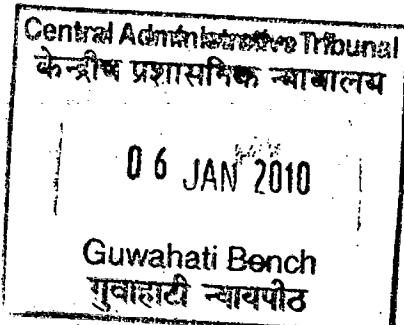
5/7 (21)

By Read Post
Sqn Ldr

telephone : 253507/302

825SU/211/1/3/PC

Smt Anu Devi
 C/O MES Shiv Mandir (Shiv Colony)
 Rowriah MES Gate
 P.O : Jorhat (Neeta Gate)
 Dist : Jorhat (Assam)
 Pin : 785005



20 Jul 09

FORWARDING OF CONNECTED PAPERS ON PENSION
825SU/D/43 SMT ANU DEVI, S/WALI

1. It is to inform you that you were called upon by this office for signature of pensionary papers but you have denied to accept the relevant papers for signature even on request of undersigned, you did not agree to sign the papers stating that the papers may be dispatched to your home town through postal as the bank manager's signature and seal can be annotated at Jorhat only.
2. In view of the above it is informed that there may be a possibility of delay in processing the pension papers through postal and subsequently will cause delay in pensionary benefit and the unit administration/authority will not be responsible for postal delay/delay in pensionary benefits.
3. You are hereby advised to complete all the connected /applicable pensionary papers in triplicate as attached immediately and forward to this office for early action.

- (a) Undertaking Certificate for Fixed Medical Allowance.
- (b) Specimen signature /Right hand thumb impression.
- (c) Form V/Form A
- (d) Descriptive Roll
- (e) Bank Details
- (f) Form I'
- (g) Form 3

TR Behara
 (TR Behara)
 Squadron Leader
 Senior Administrative Officer
 For Commanding Officer

Annexure : As Stated

Certified to be true copy
5-1-2010

Annexures 'C' Series

No. 14014/6/94-Estt(D)

Government of India

Ministry of Personnel, Public Grievances and Pension
(Department of Personnel and Training)

New Delhi 110001

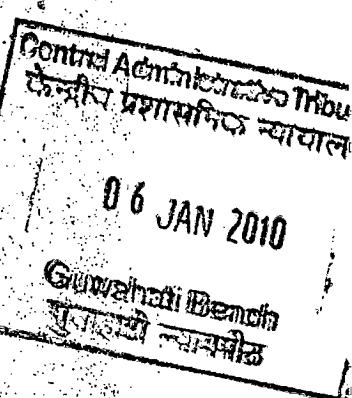
October 9, 1998

t2-B

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.



[Signature]
(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 Bhawan, New Delhi 110001
12. All Offices/Sections of DOP&T
13. Establishment(D) Section (500 copies)

Certified to be true
Copy
5-1-2010

Note II

40 - 14

"*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**

IN VCL

- (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**

IN VCL

- (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.

15
9/

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 I.

"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.

....2/-

Central Administrative Tribunals
केन्द्रीय प्रशासनिक न्यायालय

05 JAN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

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.

(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:-

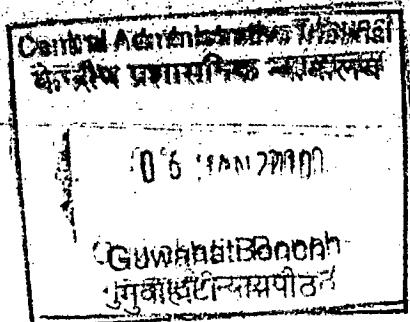
- (i) by the CS Division of the Department of Personnel and Training if the post is included in the Central Secretariat Clerical Service; or
- (ii) by the Establishment Division of the Department of Personnel and Training if the post is not included in the Central Secretariat Clerical Service.

(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.

....S/



(d) The ceiling of 25% 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.

8. 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.

.....6/-

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:

- an FIR to this effect has been lodged with the Police,
- the missing person is not traceable, and
- the competent authority feels that the case is genuine;

(b) This benefit will not be applicable to the case of a Government servant:-

- who had less than two years to retire on the date from which he has been missing; or
- who is suspected to have committed fraud, or suspected to have joined any terrorist organisation or suspected to have gone abroad.

....7/-

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

02 JAN 2010

Guwahati Bench
गुवाहाटी न्यायालय

(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.

.....91-

गुवाहाटी न्यायपीठ
प्रशासनिक न्यायालय

15.1.2010

Guwahati Bench
गुवाहाटी न्यायपीठ

22 - 48 -

(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 2(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

23

49

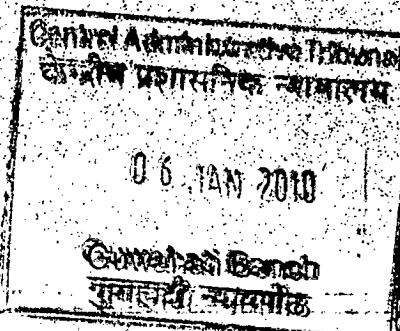
Group 'A'/'B'/'C' Government servants (which is at par with the age of retirement of 60 years applicable to Group 'D' Government servants) or on any other ground should invariably be rejected so as to ensure that the benefit of compassionate appointment available under the scheme is not misused by seeking retirement on medical grounds at the fag 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 [J.T. 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 impossible.

....11/



(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 Life Insurance Corporation of India vs. Mrs Asha Rancharandra Ambedkar and others [I.T. 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 [I.T. 1996(5) S.C. 319] on May 7, 1996 and Hindustan Aeronautics Limited vs. Smt. A. Radhika Thirumalai [I.T. 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 [I.T. 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

T.E. (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

(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. _____

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/ Date	Address	Employed or not (if employed particulars of employment and emoluments)
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.	Central Administrative Personnel				
3.	भारतीय सेवी व्यापारिय				
4.					
5.			2010		

VI.

Central Admin. Personnel
भारतीय सेवी व्यापारिय

- 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.
- I hereby also declare that I shall maintain properly the other family members who were dependent 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:-

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: _____

(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 6% 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. _____

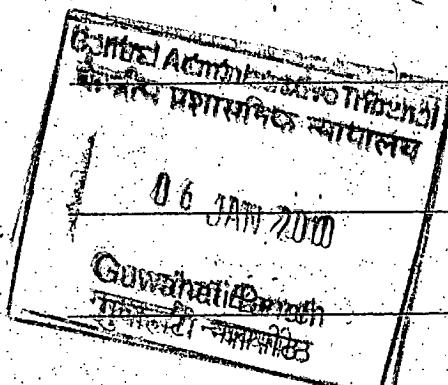
(h) Whether the candidate fulfils the requirements of the Recruitment Rules for the post. _____

(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). _____



ANNEXURE - EEnclosed Copy

REF ID: EXB 1002

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

28 OCT 2009

Guwahati Bench
गुवाहाटी न्यायालय

822 C/1, AF
PIN-937825
C/O 99 APO

04 Sep 09

Guwahati Admin
3/10/09

Shri Lalit Narayan Singh
S/O Smt Anu Devi
C/O MES Shiv Mandir
Rowrah MES Gate
Jorhat - 785005

COMPASSIONATE APPOINTMENT IN MOST INDIGENT CIRCUMSTANCES

1. Reference is made to your application dated 31 Jul 09 for the above-mentioned subject.
2. Your application for employment under 'indigent circumstances' ground is returned unactioned as the application is not properly completed. However, the check list for employment under indigent circumstances is annexed herewith.
3. You are advised to liaise with Station Civil Admin Section along with requisite documents as mentioned in Check list for consideration of your case.
4. Further, it is to inform you that GPF amount of Rs. 1,31,785/- (Rupees One Lakh thirty one thousand seven hundred eight five only) has already been forwarded vide DD No. 664495 dated 11 Aug 09 in respect of your Mother i.e. Smt Anu Devi, Ex-S/Wali and process of other pensionary benefits are in progress on top priority.

Annex : As stated.Copy to :

Air HQ (VB)
(SO/PC 5)
New Delhi-11

HQ EAC, IAF
(OIC PG)
C/O 99 APO

Auth'd to be true
Copy
6/10/09

For information please.

For information please.


(TR Behara)
Sqn Ldr
OIC Civil Admin
For Stn Cdr

Attestation
28/10/09
(H. K. DAS)

Advocate