

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 251 of 2005

Jabalpur, this the 5th day of January, 2006

Hon'ble Shri Justice P.K. Sinha, Vice Chairman

Pawan Kumar Singh, aged about 35 years,
S/o. the late Dharmraj Singh, Occupation-
Nil, R/o. 1-type, 157, S.P.M.,
Hoshangabad, M.P.

.... Applicant

(By Advocate – Shri T.K. Khadka on behalf of Shri Udayan Tiwari)

Versus

1. Union of India, through the Secretary,
Ministry of Finance, New Delhi.

2. Security Papers Mills, through the
General Manager, Hoshangabad, MP.

.... Respondents

(By Advocate – Shri S.A. Dharmadhikari)

ORDER (Oral)

Heard the learned counsel for the applicant and learned counsel for the respondents.

2. The applicant is son of Shri Dharmraj Singh, who while working as a Fitter in the Security Paper Mills at Hoshangabad expired on 29.5.1997 in harness at the age of 55 years, where after the widow, the mother of the applicant, filed an application dated 2.9.1997 at Annexure A-1 for granting appointment on compassionate ground to her son, the applicant. Vide Annexure A-3, by their letter dated 24.12.2002 the respondents have intimated the widow that because of non-availability of any vacant post it had not been possible to positively consider her request but assured her that if in future a post was available for such appointment the case ^{could} be considered in accordance with the policy decisions taken by the

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Government of India in that regard. Thereafter also certain representations appeared to have been sent, which related to the vacation of the Government quarter by the family members of the deceased employee. Ultimately by Annexure A-11 dated 28.9.2004 the mother of the applicant was intimated by the General Manager of the Security Paper Mill that under policy decision since only 5% of the total vacancies could be earmarked for appointment on compassionate ground and vacancies not being available under such formula for compassionate appointment and in view of the decision of the Government of India not to keep pending any case for compassionate appointment beyond three years of the death of the employee, it was not possible to grant compassionate appointment to the applicant.

3. The case of the respondents as coming out of the reply was that in order to streamline the administration the Government of India in the Ministry of Finance had abolished a number of posts as enumerated in the reply and, in the circumstances as mentioned therein a vacancy for the applicant for being appointed on compassionate ground was not available. It was also pointed out that there was a very long list of such cases awaiting appointment on compassionate ground, some of which were more deserving. The reply also speaks about the financial position of the applicant and ~~the~~ also the valuation of the property held by him.

4. As per the reply, the respondents have referred to DOP&T OM No. 14014/19/2002-Estt.(D), dated 5.5.2003 (Annexure R-VII), fixing the maximum of three years period for granting compassionate appointment after death of the employee, directing that if compassionate appointment was not possible to be given within this period, that case should be closed for that purpose. The learned counsel for the respondents ~~had~~ argued his case mainly of these two grounds submitting that in view of the 5% quota and in the circumstances as mentioned in the reply no post was available on which the applicant could be appointed on compassionate grounds and

that since more than three years time has elapsed after the death of the father of the applicant his case cannot now be considered for such appointment.


5. The learned counsel for the applicant thereafter argued that this Tribunal may consider issuing direction that if any vacancy was available in future then the case of the applicant may be considered.

6. However, giving any such direction would create more problems than it would solve, and may also create a wrong precedence.

7. It is well settled that appointment on compassionate ground is not a legal right of a family member of the deceased employee but that can be granted under certain circumstances as enumerated under various policy decisions taken in that regard by the competent authority.

8. In view of the grounds that have been placed by either side, this Tribunal does not find that any direction could be issued to the respondents for granting relief as sought by the applicant.

9. In view of the matter this application is dismissed. No costs.


(P.K. Sinha)
Vice Chairman

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पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

(1) सचिव, राज्य सरकार, जयपुर, दि.

(2) आयुक्त, जयपुर, दि.

3) प्रकार : कृषि

4) ~~...~~

सूचना एवं प्रसारण विभाग

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S. A. D. Hermann & Kars

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