

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,**  
**JABALPUR**

**Original Application No. 410 of 2005**

Jabalpur, this the 7<sup>th</sup> day of February, 2006

Hon'ble Shri Justice R.K. Batta, Vice Chairman

Smt. Keshar Bai, aged 38 years,  
Wd/o. Late Shri Suresh Kumar,  
C/o. Smt. Triveni Bai Shakya,  
Jharra, Tikuriya, Forester Ward,  
Bharat Chowk, Katni (MP).

.... Applicant

(By Advocate – Shri H.S. Verma.)

**V e r s u s**

1. Union of India, through Secretary,  
Ministry of Human Resources and  
Development, New Delhi.
2. Commissioner, Kendriya Vidyalaya  
Sangthan (KVS), 18, Institutional Area,  
Sahid Jeet Singh Marg, New Delhi  
110 016.
3. Assistant Commissioner,  
Kendriya Vidyalaya Sangthan (KVS),  
Jabalpur Regiona, GCF Estate,  
Cantt. Jabalpur.
4. Principal, Kendriya Vidyalaya (KV)  
(NKJ), New Katni, Distt.-Katni. .... Respondents

(By Advocate – Shri M.K. Verma)

**ORDER (Oral)**

The learned counsel for the applicant insisted that the matter be heard and disposed of finally and that he does not wish to file any rejoinder. The matter was accordingly heard for final disposal.

2. The learned counsel for the applicant relying upon the Government policy submitted that the respondents, in terms of the said policy are required to locate suitable vacancy for the applicant for the purpose of compassionate appointment. In support of this submission the learned counsel for the applicant has relied upon paragraph 7(e) and paragraph 16(e) of the Government policy annexed to OM No. 14014/6/94-Estt(D), dated 9<sup>th</sup> October, 1998. The learned counsel for the applicant has also placed reliance on judgment of the Hon'ble Patna High Court in the case of Rajesh Kumar Pandey Vs. Union of India & Ors., 2004 (2) ATJ 243.
3. On the other hand learned counsel for the respondents has urged before me that the applicant is not a Government servant and the said policy does not apply to the applicant. He further submits that the applicant's husband was working in Kendriya Vidhyalaya Sangathan (in short KVS) which is an autonomous organization registered under the Societies Registration Act, 1960 and is fully financed by Ministry of Human Resources Development, (Department of Education), Government of India, New Delhi. It is further contended that the policies and decisions of the KVS are taken by the Board of Governors of KVS consisting of eminent educationists and administrators from all over India. It is also contended that the compassionate appointment can be granted within 5% of the total existing vacancies in Group-D but no direct recruitment to the post of Group-D is being undertaken by the KVS and several works which

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are being undertaken by Group-D employees are being outsourced. He, therefore, contends that the application is liable to be dismissed.

4. Paragraphs 7(e) and 16(e) of the Scheme for Compassionate Appointment annexed to Memorandum No. 14014/6/94-Estt(D), dated 9<sup>th</sup> October, 1998 reads as under :

“7(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.

16(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.”

5. The object of the scheme itself shows that it applies to Government servants. The applicant's husband prima-facie cannot be considered as Government servant as he was working in KVS which is an autonomous organization registered under the Societies Registration Act, 1960 though the said autonomous body is financed by the Government of India. Therefore, the said policy would not apply in the case of the applicant. Even if I come to the conclusion that the said policy applies in the case of the applicant, the respondents have categorically stated in the reply that no direct recruitment of Group-D post is being undertaken and several works done by Group-D employees are being outsourced. It is also stated in the reply that the policies and decisions of KVS are taken by the Board of Governors of KVS and the service conditions of the KVS employees are governed by Education Code. In the impugned order dated 27.12.2004 which is subject matter of challenge, it is clearly stated that in KVS no recruitment for Grade-D post is being undertaken as several works being

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done by Group-D employees earlier are being outsourced and consequent vacancies against them have been surrendered. It is further stated in the said order that the direct recruitment in the post is zero.

6. Taking into consideration the policy of the Kendriya Vidhyalaya and the fact that no posts at all are available in the Kendriya Vidhyalaya's, it would not be possible to accede to the request made by the applicant that directions be given to the respondents to locate a vacancy in the Government Departments in terms of the scheme for compassionate appointment referred to above. The ruling upon which reliance is being placed would, therefore, not be attracted in the facts and circumstances of the case.

7. In view of the above, I do not find any merit in this application and the application is hereby rejected, with no order as to costs.

  
(R.K. Batta)  
Vice Chairman

"SA"

पृष्ठंकन सं ओ/ज्या.....जबलपुर, दि.....

प्रतिलिपि काटे सिना:-


(1) सचिव, उच्च न्यायालय, जबलपुर

(2) आदेशक श्री/श्री/श्री/.....के काउंसल H.S. Verma B21-Kakri


(3) प्रत्यक्षी श्री/श्री/श्री/.....के काउंसल M.K. Verma B21-JBS

(4) कार्यपाल, लो प्रज, जबलपुर न्यायालय

सूचना एवं आवश्यक कार्यवाही हेतु

  
10-2-06

उप रजिस्ट्रार

  
10-2-06