

Central Administrative Tribunal
Jabalpur Bench

OA No.598/05

Jabalpur, this the 30th day of August 2006.

CORAM

Hon'ble Dr.G.C.Srivastava, Vice Chairman
Hon'ble Mr.A.K.Gaur, Judicial Member

Sunil Bali
S/o Shri Majboot Bali
R/o 107, Netaji Subhash Marg (Bhoi Mohalla)
Indore (M.P.)

Applicant.

(By advocate Shri S.K.Jain)

Versus

1. Secretary
Ministry of Labour
Government of India
Bhavishya Nidhi Bhawan
14, Bhikaji Cama Place
New Delhi – 110 066.

2. Assistant Provident fund Commissioner (HQ)
Government of India
Bhavishya Nidhi Bhawan
14, Bhikaji Cama Place
New Delhi.

Respondents.

(By advocate: Shri Vivek Saran)

O R D E R

By A.K.Gaur, Judicial Member

The applicant is challenging the order passed by the Assistant Provident Fund Commissioner dated 7th June 2004 and seeking reconsideration of his case for compassionate appointment.

2. The mother of the applicant Smt.Raju Bai who was working as Safai Karmachari in the office of Regional Employees Provident Fund Organization, Indore, took voluntary retirement on medical grounds on 21.11.01. The applicant being the eldest son of Smt.Raju Bai applied for compassionate appointment on the same date. His request

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was rejected vide order dated 21.8.02 (A-2). The applicant again applied for compassionate appointment on 26.12.02, the fate of which was communicated to the applicant vide the impugned order dated 7.6.2004 (A-1). Aggrieved, the applicant has filed this OA.

3. It has been contended by the learned counsel for the applicant that the impugned order has been passed by the respondents without recording any reason for rejection. The respondent No.1 has failed to consider that the family consisted of four adult members and the family survives on a monthly pension of Rs.1680/- only and it has no other source of income.

4. On the other hand, the respondents in their reply contended that while considering the claim of the applicant in 2002, the Screening Committee observed thus:

“The case was thoroughly discussed. The Committee felt that the applicant is already married and is having children. It is not conceivable that applicant being a family person is unemployed. Keeping in view the circumstances, the Committee felt that it is not worthy case to be recommended for compassionate appointment”.

5. They have further contended that the applicant's claim was considered with due application of mind and in accordance with the policy in vogue. The economic status and the benefits received by the family should be kept in view while considering the case of compassionate appointment. The applicant's family had received a substantial amount by way of terminal dues. Considering all these factors, the Screening Committee did not find it a fit case for compassionate appointment.

6. We have heard the learned counsel for both parties and perused the records.

7. The Scheme relating to compassionate appointment is for alleviating the hardship that may be caused to the family of a Government servant who dies in harness or retires on medical grounds. It is to compensate the indigent circumstances of the family that provision has been made for appointing the son, daughter or near relative of the Government servant. It is also to be noted that such

appointment can be made only if the son, daughter or near relative is eligible for such appointment. Only in exceptional cases when the department is satisfied that the condition of the family is indigent and is in great distress, the benefit of compassionate appointment may be extended to the son/daughter.

8. The case before us does not come within the purview of an exceptional case. It is the definitive averment made in the reply that the applicant is married and having children and therefore cannot be said to ^{be} unemployed. That apart, the family is in receipt of monthly family pension of Rs. 1680/- and has received a substantial amount by way of terminal dues. Whether the family is in dire need of assistance or not shall have to be decided by the competent authority after considering the facts of each case. The Screening committee has already considered all these factors and has come to the conclusion that the applicant in the present case is not entitled as of right to compassionate appointment.

9. We do not find that the rejection of the applicant's claim was done arbitrarily or unreasonably. Considering the matter from its true perspective, we are constrained to hold that the applicant has no case justifying employment on compassionate ground.

10. In the result, the OA fails and is dismissed. No costs.

A.K.Gaur
(A.K.Gaur)
Judicial Member

G.C.Srivastava
(Dr.G.C.Srivastava)
Vice Chairman

aa.

पृष्ठांकन सं. ओ/व्या.....जबलपुर, दि.....
प्रतिलिपि अन्ते दिनांक:-

- (1) राधिता, उद्यम न्यायालय द्वारा एसोसिएशन, जबलपुर
- (2) आदेशक श्री/श्रीमती/दृष्टि.....द्वारा जारीरात्रि
- (3) प्रधारी श्री/श्रीमती/दृष्टि.....द्वारा जारीरात्रि
- (4) अंग्रेजी, राजाराजा, जबलपुर न्यायालयीं
राजना एवं अवश्यक कार्यकारी द्वारा

S.K.Jain
S.K.Jain
D.V.I.A.O.
Vivek Paray
Vivek Paray
UP REGISTRAR
7/9/06. D.V.I.A.O.

*Received
on 7/10/06*
✓ *Issued
on 7/9/06*
To
Sh. S.L. Jain D.V.I.A.O.
M.Jaw - 24th B5027A.6

Central Administrative Tribunal
CENTRAL ADMINISTRATIVE TRIBUNAL
लखनऊ दर्जा, जबलपुर
JABALPUR BENCH, JABALPUR