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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 266 of 2001

Jabalpur, this the 31st day of January, 2003.

Hon'ble Mr. R. K. Upadhyaya, Member (Adminv.)

1. Smt. Noni Bai Sahu, Widow of late Bhagwat Prasad Sahu, aged about 52 years, resident of H.No. 444/55, near Jagdish Mandir, Garha Phatak, Jabalpur.
2. Bipin Kumar Sahu, son of late Shri Bhagwat Prasad Sahu, aged about 26 years, resident of house No. 444/55, near Jagdish Mandir, Garha Phatak, Jabalpur.

-APPLICANTS

(By Advocate- None)

Versus

1. Union of India through its Secretary, Ministry of Defence, New Delhi.
2. Head Quarters Western Command (Engineers Branch), Chandi Mandir-134107 through its Chief Engineer.
3. The Chief Engineer, Head Quarters, Bhatinda Zone, Bhatinda Mil Stn. (Punjab)
4. The Chief Engineer, Jullunder Zone, Jullunder Cantt.

-RESPONDENTS

(By Advocate- Mr. S. A. Dharmadhikari)

O R D E R (ORAL)

The applicant has filed this application challenging the impugned orders dated 11.10.2000, 4.12.2000 and 18.12.2000 (Annexures-A-20 to A-22 respectively) by which the respondents have decided to delete the name of the applicant from the list waiting appointment on compassionate grounds, in view of the revised policy for compassionate appointment.

2. Nobody was present even at the second call on behalf of the applicant. Therefore, it was decided to proceed under Rule 15(1) of Central Administrative Tribunal (Procedure) Rules, 1987 on the basis of material

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available on record and the arguments advanced by the learned counsel of respondents. Even on earlier date of hearing on 16.12.2002 nobody was present on behalf of the applicants.

3. The first applicant is the widow of the deceased Government servant Shri Bhagwat Prasad Sahu and the applicant no.2 is the son of the deceased Government servant. The deceased Government servant was working as a Driver in the Office of the Garrison Engineer (West) Ferozpur and he died in harness on 8.5.1995. It is claimed by the applicants that the deceased Government servant left behind himself his widow and applicant no.2 being his son and two married daughters. After the death of the deceased Government servant, an application for compassionate appointment was made on 25.8.1995. It was requested by the applicant no.1 that her son applicant no.2 be appointed as Lower Division Clerk. In view of the fact that no appointment order was issued, the applicants have been making requests for the same from time to time. However, by the impugned orders, it has been decided by the respondents that the name of applicant no.2 had been removed from the list of persons waiting compassionate appointment as the period of more than one year has elapsed since the death of the Government servant. This was done in view of the revised policy of compassionate appointment as circulated by the Government of India, Department of Personnel & Training OM dated 3.12.1999.

4. The respondents in their reply have stated that applicant no.1 is employed in 'Angan Badi'. She was sanctioned pension at the rate of Rs.685/- per month with effect from May, 1995 and paid DCRG of Rs.62,302/-, CGEIS of Rs.35,908/- and LEC of Rs.2258/-. It was also stated by the respondents that both the daughters of the applicant no.1 are married and the case of applicant no.2 for compassionate appointment is not a suitable one for consideration.

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4.1 The learned counsel of the respondents has submitted that in the light of the facts of this case as well as the Government of India's policy for appointment on compassionate grounds, the name of the applicant has been deleted from the list for consideration for compassionate appointment.

5. The applicants, in the rejoinder filed, have stated that the terminal benefits received by the family of the deceased Government servant were utilised for the marriage of daughters and pension was to be reduced after 7 years. The family was also staying in rented accommodation. Therefore, this was a fit case where compassionate appointment should have been given. Instead of that, the name having been struck off from the list waiting appointment on compassionate grounds, therefore, the respondents be directed to reconsider the case of applicant no.2 for appointment on compassionate grounds.

6. After hearing the learned counsel of respondents and after perusal of the material available on record, it is noticed that this is a case of compassionate appointment where death took place on 8.5.1995. The compassionate appointment is a measure of financial help to the surviving members of the family of the deceased Government servant to tide over the financial hardship due to the loss of the sole bread winner. It cannot be disputed that such a financial assistance has to be provided as early as possible. It is in this background that the scheme of the compassionate appointment has been revised and it has been directed that the compassionate appointment should be finalised preferably ^{or} within a year. In this case, the respondents have considered the case of applicant no.2 ^{when} ^{or} ~~not~~ the request for compassionate

appointment made as early as in 1995. Since there were several claimants and the number of posts earmarked for compassionate appointment were limited, there was no utility to keep the name in the list of candidates to be considered for compassionate appointment. In this view of the matter, the deletion of the name of the applicant no.2 being very old, does not call for any interference.

7. In the result, there is no justification to interfere with the orders of the respondents and this application is dismissed without any order as to costs.

(Signature)

(R.K.Upadhyaya)
Member (Admin)

rkv.

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प्रतिनिधि.....

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- (4) उद्दिष्ट.....

उद्देश R P Aggarwal, ACD
SA Shamadika ACD

(Signature)
5/2/03

Issued
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