

ORDERS OF THE BENCH

Date of Order: 30.11.2012

OA No. 468/2010

Mr. P.N. Jatti, counsel for applicant.

Mr. Mukesh Agarwal, counsel for respondents.

It appears that this case has wrongly been listed before the Division Bench since the same pertains to Single Member Bench. Put up the matter on 06.12.2012 for hearing before Single Member Bench.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K. S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

06-12-2012

OA NO. 468/2010

Mr. P.N. Jatti, Counsel for applicant.
Mr. Mukesh Agarwal, Counsel for respondents.

Heard.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

K. S. Rathore
[Justice K.S. Rathore]
Judicial Member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 6th day of December, 2012

Original Application No.468/2010

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Parwati Devi
w/o Late Shri Verendra Kumar Sen,
r/o H.No.1425, Baba Harish Chandra Marg,
Ram Nath Pujari Ki Gali,
Bhura Tiba,, Chandpole Bajar,
Jaipur-1.

.. Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India through
the Secretary to the Govt. of India,
Ministry of Personnel, Public Grievance and
Pension, Department of Personnel and Training,
New Delhi.
2. The Chief Auditor General,
Bahadur Shah Zafar Road,
New Delhi.
3. Accountant General (A&E),
Rajasthan, Bhagwan Das Road,
Jaipur
4. Principal Accountant General (Civil Audit),
Rajasthan, Jaipur-5

.. Respondents

(By Advocate: Shri Mukesh Agarwal)

ORDER (ORAL)

The husband of the applicant was working in the office of Principal Accountant General (Civil Audit), Rajasthan and expired on 11.12.2006. After death of her husband, the applicant applied for appointment on compassionate grounds. She was called for interview alongwith requisite documents on 6.6.2007. Since no action has been taken by the respondents after appearing before the Screening Committee, the applicant preferred OA No.373/2009 and the same was dismissed as withdrawn vide order dated 19.8.2010 with liberty to pursue the matter with the Principal Accountant General (Civil Audit), Rajasthan, Jaipur and if need be, file substantive OA for the same cause of action. The said OA was withdrawn by the applicant on the statement made by the respondents that the papers received from the office of Accountant General (Civil Audit) has been returned as there is no vacancy available in the office of respondent No.3 and already two cases of compassionate appointment pertaining to their office is under consideration whereas only 1 vacancy exist in Group 'C' cadre. Since applicant did not implead Principal Accountant General (Civil Audit) Rajasthan as party-respondent, as such, no direction could be given.



2. The applicant also represented vide Ann.A/1 dated 5.11.2008 before Comptroller and Auditor General of India. The Accountant General (A&E), Rajasthan responded vide letter dated 6.3.2009 (Ann.A/5) informing the applicant that the application for compassionate appointment was not complete, as such, the same has been sent to the Principal Accountant General (Civil Audit), Rajasthan Jaipur and further correspondence in the matter be made to the Principal Accountant General. The office of the Principal Accountant General vide letter dated 8.4.2009 asked the applicant to prove the fact that her both sons are not in employment and the same has been furnished by the applicant.

3. The learned counsel appearing for the respondents referred letter dated 9.8.2007 (Ann.R/3) whereby appointment on compassionate appointment has been denied on the ground that the Committee has not recommended her case for appointment on compassionate grounds, as such, appointment cannot be given. The respondents also referred to Para -2 of their reply submitting that the widow of the deceased employee is getting family pension to the tune of Rs. 5700 per month, the family is in receipt of Rs. 3.5 lacs as gratuity, Rs. 1,07,385 as GPF, Rs. 54,972 as Group Insurance, Rs. 1,30,883 as Leave Encashment and Rs. 60,000 as GPF Linked



Insurance Scheme. In addition to above, the family is having ancestral house to live in. It is further stated that both the sons are working in private sector. Therefore, in view of the ratio decided by the Hon'ble Supreme Court in the case of Umesh Kumar Nagpal vs. State of Haryana and ors., JT 1994 (3) SC 525, Life Insurance Corporation of India vs. Ram Chandra Ambedkar and Ors., JT 1994 (2) SC 183, Himachal Road Transport Corporation vs. Dinesh Kumar, JT 1996 (5) SC 319, Hindustan Aeronautics Limited vs. Smt. Radhika Thirumalai reported in JT 1996 (6) SC 197 and State of Haryana and ors. vs. Rani Devi and Anr. reported in (1996) (6) SC 646, the case of the applicant does not have any merit.

4. The learned counsel for the applicant referred to Department of Personnel and Training Office Memorandum dated 26.7.2012 which is regarding review of three years time limit for making compassionate appointment. It is not disputed by the respondents that the matter of the applicant has been considered upto the year 2009 and husband of the applicant expired in the year 11.12.2006. The matter was considered in the year 2007 by the committee constituted for the purpose and respondents further referred the matter to their other offices for consideration, but for want of vacancy appointment on compassionate grounds could not be given.

The respondents reiterated the reasons stated in the reply that the case of the applicant was thoroughly considered but the committee did not recommend the appointment after considering all facts and circumstances and the appointment could not be given due to non-availability of vacancy.

5. I have considered the rival submissions of the respective parties and carefully perused the material available on record as well as the Office Memorandum referred by the applicant and the judgments referred to by the learned counsel appearing for the respondents. Bare perusal of the proceedings and the documents reveals that case of the applicant was considered in the year 2007 but the same was not found so indigent in view of the financial benefits received by the family and the fact that both sons of the applicant are major and in private employment, there is no liability of minor children and marriage of daughter, the family has own house to live in and both the sons are major and are in a position to maintain their respective families. The matter was also referred to other offices for consideration, but due to want of vacancy, appointment could not be given.

6. Having considered the ratio decided by the Hon'ble Supreme Court and in view of the observations made hereinabove, I find no merit in this OA and the OA being



bereft of merit fails and the same is hereby dismissed with no order as to costs.

K. S. Rathore
(JUSTICE K.S.RATHORE)
Judl. Member

R/