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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**ORIGINAL APPLICATION NO.060/00342/2014
Chandigarh, this the 09th Day of March, 2015**

**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A).
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J).**

Pargat Singh aged 20 years S/o Late Sh. Dharshan Singh, R/o Village and Post Office-Sibian, District-Bathinda (Punjab).

...**APPLICANT**

VERSUS

1. Union of India through Secretary, Ministry of Defence, North Block, New Delhi.
2. Engineer In Chief, Army Headquarters, DHQ, PO, Kashmir House, New Delhi-110011.
3. Chief Engineer Headquarters, Bathinda Zone, Bathinda Military Station-900484.
4. Garrison Engineer, Engineer Park, Bathinda Military Station, Bathinda.

...**RESPONDENTS**

Present: Sh. Jagdeep Jaswal, counsel for the applicant.
Sh. Ram Lal Gupta, counsel for the respondents.

ORDER

BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

"8 (i) That impugned order dated 25.02.2014 (A-1) be quashed and set aside being wholly illegal and arbitrary and being against the provisions contained in the compassionate appointment policy dated 16.01.2013 (A-9).
(ii) That the respondents be also directed to grant the applicant compassionate appointment keeping in view his penurious financial circumstances."

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2. Averment has been made in the O.A. that the applicant is the son of deceased employee Sh. Dharshan Singh, who died in harness on 18.02.2009 while working as Mazdoor, leaving behind his widow who also expired on 29.09.2012, three daughters aged 26 years, 25 years and 23 years and a son i.e. the applicant who is 19 years old, in acute penurious circumstances. The case of the applicant's mother for appointment on compassionate grounds was rejected by the respondents more than once solely on the ground that there were insufficient vacancies under 5% quota. In the rejection order dated 17.01.2013, the same ground was taken that no vacancies were available for appointment of mother of the applicant.

3. After demise of his mother, the applicant submitted his application on 16.10.2012 for appointment on compassionate grounds as his father who was the deceased employee as well as his mother had expired leaving behind the applicant and his three sisters. The applicant submitted another representation dated March, 2013 (Annexure A-2) in this regard. He also submitted relevant documents in this regard but through a non-speaking order (Annexure A-1), the claim of the applicant for appointment on compassionate grounds was rejected. Hence this O.A.

4. In the written statement filed on behalf of the respondents, facts of the matter have not been disputed. It has been stated that the mother of the applicant Smt. Amarjit Kaur applied for

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compassionate appointment in lieu of services of her husband Late Shri Dárshan Singh. The case for compassionate appointment was processed for consideration in accordance with existing policy on the subject. Govt. of India letter No.B/22560/Policy/Vol.10/EIC (IV) dated 15.10.2012 and B/22560/Policy/Vol.10/EIC (IV) dated 31.03.2014, wherein guidelines for compassionate appointment have been framed, stipulates that while considering the cases for appointment on compassionate grounds, the various aspects to be considered are family pension, terminal benefits, monthly income of earning members, moveable/immovable property, no. of dependents, no. of unmarried daughters, no. of minor children and left over service. Accordingly, as per the policy yardsticks, the case of Smt. Amarjit Kaur, the mother of the applicant was considered on these aspects. Thereafter, on release of vacancies meant for compassionate appointment for the year 2009-10, 2010-11 and 2011-12, the case of Smt. Amarjit Kaur was not found meritorious as compared to other candidates. After taking into account each and every aspect and objective assessment of all the circumstances, the case of Smt. Amarjit Kaur was rejected vide Headquarter Chief Engineer Bathinda Zone first speaking Order No.10554/NB/627/EIC Dated 26.12.2012, second speaking order no.10554/NB/707/EIC dated 03.01.2013 and third speaking order no.10554/NB/924/EIC dated 13.03.2013 (Annexure R-2 to R-4 respectively). It has further been stated that there is no rule under which

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the claim of the applicant for appointment on compassionate grounds can be considered.

5. Learned counsel for the parties have been heard in the matter. Sh. Ram Lal Gupta, learned counsel for the respondents fairly submitted that since widow of the deceased employee had also expired before she got any appointment, the claim of a child of the deceased employee for appointment on compassionate grounds should logically be considered by the respondent Department.

6. In view of the submissions made by learned counsel, this O.A. is disposed of with direction to the respondents to consider the case of the applicant for appointment on compassionate grounds in accordance with Rules and guidelines in this regard as he is admittedly entitled for such consideration as the deceased employee left behind his widow and three/four children, and the widow had not been given any appointment on compassionate grounds as insufficient vacancies were available for this purpose. It is seen that the deceased employee expired on 18.02.2009 and the widow expired on 29.09.2012. More than two years have already passed and there is nothing on record to show that the eligible child of the deceased employee has been released family pension. Hence the respondents are directed on humanitarian consideration to also expedite the release of family pension to the eligible child of the deceased employee by rendering necessary assistance for completion of the family

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pension documents. Action in regard to these issues may be completed within a period of three months of a certified copy of this order being served upon the respondents.

7. With the observations and directions as above, the O.A. is disposed of. No costs.

B. A. Agarwal

(DR. BRAHM A. AGRAWAL)
MEMBER (J)

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(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.
Dated: 09.03.2015.

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