

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.NO.135 OF 2016

New Delhi, this the 16th day of February, 2017

CORAM:

HON~~BLE~~ SHRI RAJ VIR SHARMA, JUDICIAL MEMBER
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Uma Sharma,

w/o late Sh.Ravi Dutt Sharma,

R/o WZ-480, Ground Floor, Shyam Singh Building,

Nangal Rai,

New Delhi

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Applicant

(By Advocate: Mr.U.Shrivastava)

Vs.

Government of NCT of Delhi through

1. The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat, New Delhi.

2. The Secretary (Services),
Government of NCT of Delhi, Services Department,
Branch-II, Delhi Secretariat, 5th Level, A.Wing,
IP Estate, New Delhi-02

3. The Medical Superintendent,
Deen Dayal Upadhyay Hospital,
Hari Nagar,
New Delhi

í í . Respondents

(By Advocate: Mr.Vijay Pandita)

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ORDER

I have perused the records and have heard Mr.U.Shrivastava, the learned counsel appearing for the applicant, Mr.Vijay Pandita, the learned counsel appearing for the respondents.

2. The brief facts of the applicant's case are that Shri Ravi Dutt Sharma, the husband of the applicant was serving as an OT Assistant in Deen Dayal Upadhyay Hospital, New Delhi (respondent no.3). He died in harness on 29.3.2009, leaving behind his widow (the applicant), Shri Vikram Dutt Sharma, aged 27 years (1st son), and Shri Prasant Dutt Sharma, aged 23 years (2nd son). On the death of her husband, the applicant was paid the following terminal benefits:

1. Insurance Fund & Saving Fund	-	Rs.40,555/-
2. GPF	-	Rs.30,059/-
3. Leave Encashment	-	Rs.1,00,238/-
4. DCRG	-	Rs.2,71,801/-

She has been receiving monthly family pension of Rs.4740/- + DA thereon. The applicant made a representation dated 27.5.2009 (Annexure A/1) requesting the respondent no.3 to provide employment to her second son on compassionate ground. While the applicant's said representation was pending consideration and she was given verbal assurance by the respondents about the appointment of her second son on compassionate ground, her second son was found indulging in addiction of drugs and liquor. Therefore, the applicant made another representation dated 9.5.2013 (Annexure A/2) requesting respondent no.3 to provide employment to her on compassionate ground. As there was delay in considering her request for compassionate appointment, the applicant, vide her application dated 17.6.2015, sought for certain information from the respondents under the

RTI Act. Thereafter, respondent no.3, vide letter dated 1.7.2015, forwarded the applicant's case to respondent no.2 for consideration. However, respondent no.2, vide several correspondences, required some more documents from her through respondent no.3 and pointed out certain discrepancies as regards details of family. Respondent no.2, vide letter dated 9.12.2015 (Annexure A/11), intimated the applicant that in the absence of complete documents/information, it was not possible to place her case before the Screening Committee, and, accordingly, requested her to approach respondent no.3 for early submission of those documents to them. Hence, the applicant filed the present O.A. on 5.1.2016 seeking the following reliefs:

- ö(a) Directing the respondents to place the relevant records pertaining to the present O.A. before their Lordships for the proper adjudication in the matter, in the interest of justice.
- (b) Directing the respondents to consider and finalize the case of the applicants for compassionate appointment within some stipulated period in accordance with the relevant rules and instructions on the subject in the interest of justice.
- (c) Allowing the O.A. of the applicant with all other consequential benefits and costs.
- (d) Any other fit and proper relief may also be granted to the applicant.ö

It has been contended by the applicant that all the relevant documents and information were furnished by her to the respondents. The respondents have acted illegally and arbitrarily in not providing her employment on compassionate ground to relieve the family from financial destitution.

3. Resisting the O.A. the respondents have filed counter replies. It has been stated, inter alia, that the elder son of the deceased Government servant is employed and married, and the younger son is also major. The case of the applicant was placed before the Screening Committee which met on 4.1.2016, 13.1.2016 and 2.2.2016. The Screening Committee, after considering the complete facts of the case of the applicant, did not recommend her case for compassionate appointment. By letter dated 30.3.2016, the proceedings of the Screening Committee were intimated to the applicant.

4. In her rejoinder replies, the applicant has stated, inter alia, that the respondents ought not to have declined her request for compassionate appointment only after first consideration. In view of the DoP&TØS O.M. dated 26.7.2012, the respondents ought to have kept her case pending for further consideration on future occasions without any time limit.

5. The object of the Scheme for Compassionate Appointment is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness, thereby leaving his family in penury and without any means of livelihood, to relieve his family from financial destitution and to help it get over the emergency.

6. In the present case, the family of the deceased Government servant consists of three members, namely, the widow (applicant), and two sons. The elder son is employed and married. It is claimed by the applicant that he is living separately with his family. At the time of death of the

deceased Government servant, the second son was also major. It is asserted by the applicant that as her second son was found indulging in addiction of drugs and liquor, she changed her mind and made representation dated 9.5.2013 requesting the respondents to provide appointment to her on compassionate ground. This representation dated 9.5.2013 was made by the applicant after about four years of death of her husband. As already noted, the applicant had received more than Rs.4,00,000/- towards terminal benefits on the death of her husband and has been receiving monthly family pension @ Rs.4740/- + DA thereon. In the above view of the matter, it cannot be said that the condition of the applicant is penurious. Therefore, the decision of the Screening Committee or, for that matter, the respondents, rejecting the claim of the applicant for compassionate appointment, cannot be said to be perverse. The DoP&T's O.M. dated 26.7.2012, *ibid*, does not stipulate that each and every case (where compassionate appointment is not recommended by the duly constituted Committee) has to be kept pending for further consideration on future occasions without any time limit irrespective of the fact whether or not the condition of the family of the deceased Government servant is found penurious, and that the departmental authorities cannot decline the request for compassionate appointment made by a member of the family of the deceased Government servant after considering the same only on one occasion in spite of their finding that the condition of the family is not indigent. Therefore, I do not find any substance in the contention of Mr.U.Shrivastava, the learned counsel for the

applicant that the respondents ought not to have declined the applicant's request for compassionate appointment after considering the same only on one occasion.

7. Furthermore, the prayer made by the applicant in the present O.A. is for a direction to the respondents to consider and finalize her case for compassionate appointment within stipulated period in accordance with the relevant rules and instructions. As already noted, the respondents have already considered and rejected the case of the applicant. In view of this, I do not find any scope for interference in the matter.

8. In the light of what has been discussed above, I do not find any merit in the O.A. Accordingly, the O.A., being devoid of merit, is dismissed. No costs.

**(RAJ VIR SHARMA)
JUDICIAL MEMBER**

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