

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 353/2015

New Delhi, this the 27th day of September, 2016

HON'BLE MR. P.K. BASU, MEMBER (A)

Gurmeet Kaur,
Aged 58 years,
W/o Late Shri H.C. Hargovind Singh (HC)
PIS No.28750880
R/o 17/E, Police Colony,
Model Town-II, Delhi-110009. .. Applicant

(By Advocate : Shri S. Sunil with Shri Pushkar Kumar Singh)

Versus

1. The Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat,
I.P. Estate, New Delhi.
2. The Commissioner of Police,
Police Head Quarters,
I.P. Estate, New Delhi.
3. The Addl. Dy. Commissioner of Police,
(Police Control Room),
Police Head Quarters,
I.P. Estate, New Delhi. .. Respondents

(By Advocate : Shri M.D. Jangra for Mrs. Pratima Gupta)

ORDER (ORAL)

The applicant's husband, who was a Head Constable in Delhi Police, died on 28.05.2010. Thereafter, she applied for compassionate appointment of her son, which was considered by

the respondents and her request was rejected on the ground that the applicant was less deserving and non-availability of vacancy as well as the case not being covered under the criteria of DoPT instructions and Standing Order No.39/09.

2. The applicant approached this Tribunal in O.A. No.2409/2012, which was disposed of on 11.10.2013. The relevant portion of the order is quoted below:

“Seeing in this perspective the applicant’s case where her husband had died on 28.05.2010, can be considered in the category where the urgency for financial support is not over, particularly considering the fact that there is an earning member, namely the younger daughter of the applicant, who is employed as SI in the Delhi Police. However, it is observed that the PEB in its meeting dated 21.12.2011 had considered the requests for compassionate appointment even where the death or retirement on medical grounds of Government servants took place long back, say 10 years or so, and many cases related to the death of the Government servant having taken place before 2001. In this background, **the applicant’s case cannot be considered as ‘less deserving’ on the plea that the urgency of the situation no more exists since a number of older cases were considered for appointment. On the issue of one earning member already being there in the family, the Standing Order No.39/09 in para (a) also provides that in deserving cases even where there is already an earning member in the family of the deceased employee, a dependent family member can be considered for appointment on compassionate ground with the prior approval of the Commissioner of Police, Delhi. From the tabular chart that was placed before the PEB it is seen that the number of family members dependent on deceased employee had been shown as wife (55 years), son (28 years) and daughter (25 years). Subsequently, the condition of the family has aggravated due to the death of the husband of elder daughter of the applicant, making the daughter and her three young children also dependent on the applicant, as averred in the OA.**

7. Taking these factors into account, there are enough grounds for the request of the applicant to be reconsidered by the respondents taking into account the present financial position, number of dependents, **the employed member of the family being a female likely to be married soon** and other

relevant factors as per the extant rules and guidelines. Accordingly, it is ordered that the respondents shall place the request of the applicant before the PEB in its next meeting. The PEB shall consider the request of the applicant for compassionate appointment of her son in the light of the foregoing observations. With this, the OA is disposed of. No costs.”

3. The matter was again placed before Police Establishment Board (PEB) and thereafter, order dated 21.02.2014 was issued by the respondents, which states as follows:

“In pursuance CAT’s Judgment order dated 11.10.2013 the name of Gurdev Singh S/o late HC Hargovind Singh, No.1053/PCR was considered again by the Police Establishment Board in its meeting held on 13.01.2014 for the appointment of Const. (Drv.) in Delhi Police on compassionate ground but rejected as the case was found less deserving to the similarly placed other cases. Besides, as per Standing Order maximum age required for the post of Const.(Dvr.) is upto 30 years (being general candidate) whereas, candidate Gurdev Singh has already completed the age of 31.7 years (as on 01.07.2013) and he is overage for the post of Const.(Dvr.)”

The applicant was informed vide letter dated 25.08.2014 that her request for compassionate appointment of her son has been rejected.

4. The applicant has challenged above two orders and prayed for the following in this O.A.:

- “(i) to quash and set aside the impugned Letter Nos. 26961/WF(P-II)/PCR, dated 25.8.2014 and 5184/WF(P-II)/PCR, dated 21.02.2014, rejecting the applicant’s claim, for appointment of her son, for the post of constable (driver) in Delhi Police, on compassionate ground.
- (ii) to direct the respondent, to grant compassionate ground to the son of the applicant, as prayer for by her.”

5. Learned counsel for the applicant states that while disposing of O.A. 2409/2012, the Tribunal had considered each and every argument and, thereafter, expressed its mind in the order, portion of which has been quoted above. The Tribunal would have perhaps given a specific direction but the Tribunal disposed of the O.A. with a direction to the respondents to consider the request of the applicant for compassionate appointment of her son in the light of the foregoing observations of the Tribunal. Order dated 21.02.2014 does not indicate at all that while reconsidering the matter, PEB had bothered to discuss the observations of the Tribunal. In fact, now a new ground has been taken for rejection that the son of the applicant is overage. It is stated that his age is 31.7 years, whereas the maximum age for general candidates is 30 years.

6. Learned proxy counsel for the respondents drew my attention to para 4.4 of the reply filed by the respondents specifically that in the instant case, daughter of the applicant is serving as SI in Delhi Police and, therefore, there being an earning member, the respondents offered compassionate appointment to more deserving cases.

7. Heard the learned counsel for both sides and perused the respondents' reply.

8. It will be seen from the order of the Tribunal in OA No. 2409/2012, already cited above, that at that point of time itself, i.e. three years ago, all the facts were before the Tribunal, in fact, the further fact that the elder daughter and her three young children are also dependent on the applicant due to the death of the husband of elder daughter was also before the Tribunal. Anyone familiar with realities of the Indian society would realise that the extra burden of looking after of the elder daughter and her three children has compounded the financial problem of the applicant. Moreover, reliance of the respondents on the younger daughter being an SI in Delhi Police, in my view, is misplaced. This daughter would get married and would soon have an independent family. What would be left in the family of the deceased government servant would be his wife (the applicant), son, elder daughter and her three children to be look after without an earning member. I do not suppose it can be anybody's claim that the applicant is less deserving. The other ground of the applicant's son being overage is rejected because this is only due to the fact that the respondents have been delaying this matter. On the date of the death of the concerned Govt. servant, he was very much within the 30 years limit.

9. In view of the above discussion, the respondents are directed to appoint the applicant's son on compassionate ground as

Constable (Driver) within a period of 90 days from the receipt of certified copy of this order. No order as to costs.

(P.K. Basu)
Member (A)

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