

**Central Administrative Tribunal
Principal Bench, New Delhi
OA No. 3045/2017
New Delhi this the 10th October, 2018**

Hon'ble Sh. Pradeep Kumar, Member (A)

1. Manjeet Kaur aged 61 Years, w/o Late Hakim Singh
2. Bhupinder Singh, age 40 years s/o Late Hakim Singh

Both R/o : Quarter No C-3/225, Lodhi Colony,
New Delhi.

.. Applicants

(By Advocate : Ms. S. Janani)

Versus

Union of India
Through,

1. Cabinet Secretary, South Block
2. Home Secretary, North Block, New Delhi
3. Secretary Ministry of Urban Development,
Nirman Bhawan, New Delhi.

...Respondents

(By Advocate :Sh. S.K. Tripathi for Sh. Gyanendra Singh)

ORDER (ORAL)

M.A. No. 3214/2017

This MA filed for joining together is allowed.

M.A. No. 3213/2017

This MA filed for grant of exemption from filing the original or certified copy of annexures is also allowed.

O.A. No. 3045/2017

In the instant case, one Sh. Hakim Singh, who was working as Staff Car Driver in PMO's Office, had unfortunately died on 12.02.2014 while he was still in service. After the death of the deceased employee his widow Smt. Manjeet Kaur requested for consideration of compassionate appointment in respect of her younger son, Sh. Bhupinder Singh. This was forwarded by PMO's Office Memorandum dated 16.07.2014 to Ministry of Home Affairs with the request "that the request of Sh. Bhupinder Singh for

compassionate ground appointment may kindly be considered sympathetically as he has to support one unmarried sister."

2. The applicant pleaded that thereafter he has not heard anything from the office and they are continuing to face many difficulties after the death of the sole earning member in the family. They ventilated this grievance in this OA.

3. Learned counsel for the respondents drew attention to para 3, para 6 and para 11 of the counter. These are reproduced below :-

"3. That vide O.M. No. A-22014/1/2014-PME dated 16.07.2014 (Annexure-R-1), PMO had stated that Smt. Manjeet Kaur w/o deceased Shri Hakim Singh, had requested for compassionate appointment in respect of his younger son, Shri Bhupinder Singh (DoB-02.02.1977).

6. That subsequent upon merger of the Staff Car Driver (SCD) cadre of PMO to that of MHA vide MHA's Order No. A-42012/34/2017-Ad.II dated 18.07.2017 (Annexure R-3), PMO vide its O.M. dated 06.09.2017 has again forwarded application of Smt. Manjeet Kaur regarding compassionate appointment/retention of govt. accommodation or appropriate action.

11. That as per the Scheme, compassionate appointments the application of Sh. Bhupinder Singh for compassionate appointment will be considered along with the other applications in accordance with scheme for compassionate appointments are made up to a maximum of 5% of the vacancies falling under the Direct Recruitment quota in any group 'C', subject to the availability of vacancies. It is further submitted that the cadres of Multi-Tasking Staff and Staff Car Driver of PMO have been merged with respective cadres of Multi-Tasking Staff and Staff Car Driver of Ministry of Home Affairs (Proper) vide MHA's Order No. A-42012/34/2017-Ad.II dated 18.07.2017 (Annexure R-3). Pursuant to these orders, the petition of Smt. Manjeet Kaur for appointment of her younger son, Shri Bhupinder Singh, on compassionate ground was examined and PMO was informed under intimation to the applicant, vide MHA's O.M.

No. A-12012/01/2017-Ad.II dated 13.10.2017 (Annexure R-6), that the request will be considered along with other such applications in accordance with compassionate appointment scheme."

Thus, the matter is still pending decision and OA be dismissed being devoid of merit.

4.0. Matter was heard at length. It is seen that the application for compassionate ground appointment was submitted by the family almost immediately after the death of the unfortunate employee and the same was forwarded to Ministry of Home Affairs also on 16.07.2014, who are the controlling authority for the cadre of Driver. It is seen that PMO's Office had again forwarded this case for CG appointment in the year 2017.

Therefore, the position obtaining as on 13.10.2017 appears to be the same as what obtained in 2014, that the case is still under consideration. Compassionate appointment is not a vested right. However, once the family faces the difficulties on the bereavement of the earning member, certain consideration needs to be expeditiously extended for granting relief in the form of CG appointment, if possible. It is clear that this case has remained pending for decision from 2014 till date. Such delays are not acceptable.

5.0 In the event, without going into the merits of the case, the respondents are hereby directed to consider and pass a reasoned and speaking order on this pending request for compassionate

ground appointment, within a period of eight weeks and supply a copy to applicant. The O.A. is disposed of with these directions. No order as to costs.

MA-3658 of 2017 has also been filed with a request to "Restrain the respondent from allotting quarter no.C-3/225 Lodhi Colony New Delhi to any other person till the decision on the plea of the appointment on compassionate basis of the Applicant No.2" Since the said quarter, which was allotted to Late Shri Hakim Singh and has since been vacated on 11.9.17, the MA is not maintainable. MA is dismissed being devoid of merit.

(Pradeep Kumar)
Member (A)

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