

**Central Administrative Tribunal  
Principal Bench, New Delhi**

O.A. No.3709/2016

Tuesday, this the 1<sup>st</sup> day of May 2018

**Hon'ble Mr. K.N. Shrivastava, Member (A)**

Amit Kumar Singh  
s/o late Shri Bhikam Singh  
aged 28 years  
r/o B/110, Durga Nagar  
Ukharra Road, Rajpur Chungi  
Agra (UP)

..Applicant

(Mr. Padma Kumar S, Advocate)

Versus

1. Indian Council of Medical Research  
Through its Director General  
V Ramalingaswami Bhawan  
Ansari Road,  
Post Box 4911, New Delhi
2. Director  
National Jalma Institute for Leprosy  
And Other Mycobacterial Diseases  
Indian Council of Medical Research  
Post Box 1101  
Tajganj, Agra – 282001

..Respondents

(Mr. R N Singh, Mr. Vaibhav Pratap Singh and Mr. Amit Sinha, Advocates)

**O R D E R (ORAL)**

The applicant's father, late Mr. Bhikam Singh, was working as Accounts Officer under respondent No.2. He died in harness on 08.03.2010. The applicant's mother applied for compassionate appointment for the applicant on 26.03.2010. The respondents, vide letter dated 28.10.2013, asked the applicant to submit the application for compassionate appointment in prescribed format duly filled. Apparently,

the applicant's case was placed for consideration before the Compassionate Appointments Committee (CAC) in December 2015. The Office of the respondents, *qua* the applicant, had noted that "the family is getting a pension of ₹24,500/- per month and is financially sound". It also noted that "the applicant is married and no more dependent". The CAC, however, in its recommendations, *qua* the applicant, has noted "married now, and hence not to be considered". From the above, it would appear that the applicant has not been considered solely on the ground that he is married.

2. Mr. Padma Kumar S, learned counsel for applicant brought to my notice the O.M. dated 05.09.2016 issued by the Department of Personnel & Training (DoPT), wherein the clarification with regard to consideration of married son for compassionate appointment, as stipulated in O.M. dated 30.05.2013, has been reviewed vide FAQ No.60 of even number dated 25.02.2015, which reads as under:-

Sl. No.	Question	Answer
60	Whether 'married son' can be considered for compassionate appointment	<p>Yes, if he otherwise fulfils all the other requirements of the Scheme i.e. he is otherwise eligible and fulfils the criteria laid down in this Department's O.M. dated 16<sup>th</sup> January, 2013. This would be effective from the date of issue of this FAQ viz. 25<sup>th</sup> February, 2015 and the cases of compassionate appointment already settled w.r.t. the FAQs dated 30<sup>th</sup> May, 2013, may not be reopened.</p> <p>Sr.No.13 of the FAQs dated 30<sup>th</sup> May, 2013 may be deemed to have been modified to this extent."</p>

He thus argued that the marital status of the applicant would not come in the way of his consideration for compassionate appointment.

3. The respondents, in their reply, have only mentioned that the applicant's case has been rejected by the competent authority after considering all material facts, relevant policy instructions, including the documents submitted by the applicant under the settled instructions of the DoPT. They have not made any cogent averment in their reply as to the ground of rejection.

4. Mr. R N Singh, learned counsel for respondents argued that the applicant's case was rejected, as his family was found to be financially sound. He drew my attention to the notings in this regard at page 25 of the paper book.

5. From Annexure A-6, it is noticed that there is just a mention *qua* the applicant that he is financially sound and is also married, but nowhere it is elaborated as to how the financial soundness of the applicant has been determined. The gross pension of ₹24,500/-, perhaps, indicates the amount, which the applicant's father would have got as monthly pension had he retired in the normal course. Needless to say that the family pension amount would be far lesser than this pension amount. It is also not in dispute that besides the applicant, the family comprises of his mother, one unmarried son and one unmarried daughter, etc. Taking all these things into consideration, I am of the view that the financial soundness of the family has not at all been determined by the respondents.

6. Furthermore, the recommendations of CAC leave no doubt that the case of the applicant has been rejected solely on the ground that he is married. In view of the *ibid* O.M. of DoPT dated 05.09.2016, this ground of rejection does not hold good any more

7. In the conspectus of discussions in the pre-paragraphs and in totality of the case, I am of the view that the applicant's case for compassionate appointment requires to be looked into afresh. Accordingly, I dispose of this O.A. in the following terms:-

***(i) The respondents are directed to consider the case of the applicant in terms of the extant guidelines. While doing so, the O.M. dated 05.09.2016 issued by the DoPT should also be kept in mind.***

***(ii) The applicant's case shall be placed before the CAC for consideration in the normal course when such Committee meets in future.***

No order as to costs.

**( K.N. Shrivastava )  
Member (A)**

**May 1, 2018**  
/sunil/