

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00670/2018

DATED THIS THE 7TH DAY OF MARCH 2019

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

Irfan Ahmed,
S/o Late Shakeel Ahmed,
Age 27 years,
R/o Sohail Manzil,
Near Government Primary School,
Hirapur, Kalaburagi.

..... Applicant

(By Shivayogimath Associates...Advocate)

V/s.

1.The Central Provident Fund Commissioner,
Ministry of Labour and Employment,
Head Office,
New Delhi

2.The Regional Provident Fund
Commissioner, II, HRM,
Regional office,
Bhavishya Nidhi Bhawan,
Alanda Road, Kalaburagi.

....Respondents

(By KS.Venkataramana... Counsel for R-2)

ORDER (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER (J):

1. Heard. The matter relates to compassionate appointment. Apparently on 13.3.2011 the government employee passed away. Within 4 months, Annexure-A11 representation for employment was given to him. But then the applicant claims that he had completed 2nd PUC and will be completing Graduation in due course of time i.e. in another 2 years' time. His contention is he is the only male child to the deceased government employee and therefore, he asked for a postponement of appointment after he completes the graduation . Therefore, he can be assured of better career prospects .

2. Vide letter dated 1.12.2011 the respondents informed the applicant that the very idea of compassionate appointment is to give immediate financial support to the family of deceased employee and not to take up into an employment a person who wanted to have assured career prospects. Apparently, after 4 years of time on 26.8.2015 the applicant had submitted a representation saying that he had completed a graduation course. The local officials had supported the claim of the applicant and held that applicant was eligible and

suitable for the post of Social Security Assistant vide Minutes dated 3.12.2015. But then the Senior Officials depended on Annexure-A4 circular relating to belated considerations. They held that if the indigencies are as great as promoted by the applicant, he would have responded to the letter dated 1.12.2011 and agreed to join immediately. Apparently, in the case of Local Administration Department vs. M.Selvanayagam alias KumaraVelu Civil Appeal No.2206/2016 dated 5.4.2011 the Hon'ble Apex Court held that simply because the claimant happened to be one of the dependents of the deceased employee that his claim to be considered after many years of the death of the original deceased government employee is violative of Article 14 & 16 of the Constitution and quite bad and illegal.

3. We are in respectful agreement with this findings of the Hon'ble Apex Court. The purpose of compassionate appointment is to grant immediate succor to the family of the deceased government employee. It postulates only the position whereby the family would be able to continue to live on. As a precaution it is against vagrancy and nothing more is indicated in the process of compassionate appointment. If the applicant has lost his

employment due to the inability of the senior officials to agree to the claims of the local office, it is his fault only. Without any doubt local office should not have conducted an investigation into the eligibility of the applicant after 4 years time, especially since they had already informed the applicant that his claim can be considered in line with juncture at that point of time. So they have committed a serious infraction which has given rise to the litigation. We will, therefore, now direct 1st Respondent to look into this aspect within 2 months next.

OA lacks merit.

4. OA is, therefore, dismissed . No order as to costs.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.670/2018

Annexure A1: Copy of death certificate of the father of the applicant

Annexure A2: Copy of Survivorship certificate

Annexure A3: Copy of request letter dated 21.7.2011

Annexure A4: Copy of letter dated 1.12.2011

Annexure A5: Copy of request letter dated 26.8.2015

Annexure A6: Copy of the office order dated 23.11.2015

Annexure A7: Copy of request letter dated 27.6.2016

Annexure A8: Copy of letter dated 10.7.2017

Annexure referred to by the Respondent-2

Annexure R1: Copy of applicant's request letter dated 21.7.2011

Annexure R2: Copy of Minutes dated 3.12.2015

Annexure R3: Copy of applicant's property details letter dated 27.6.2016

Annexure R4: Copy of OM dated 16.1.2013

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