

**SIN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 21/285/2018

Date of Order: 08.01.2019

Between:

Gonti Krishna, S/o. late Smt. G. Shobha,
Aged about 35 years, Occupation: Un-employee,
Plot No. 5, Alivelamma Colony,
Trimulgherry, Secunderabad – 500 015.

... Applicant

And

1. Union of India,
Rep. by its Comptroller & Auditor General of India,
Government of India, New Delhi.
2. The Principal Accountant General (Audit),
Hyderabad – 500 004.
3. The Deputy Accountant General (A)/CPIO,
Hyderabad.
4. The Senior Audit Officer (Administration),
Office of the Principal Accountant General, Hyderabad.

... Respondents

Counsel for the Applicant	...	Mr. B. Kamalakara Rao
Counsel for the Respondents	...	Mr. V. Vinod Kumar, Sr. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar ... ***Member (Admn.)***

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. The OA has arisen in view of the decision of the respondents rejecting the request of the applicant for compassionate appointment.

3. The applicant's mother worked as Group D in the respondent organization and passed away on 03.11.2010 while she was in service. The applicant's father pre-deceased his mother in 1987. The applicant and his younger sister were

dependent on their mother. The rest of the members of the family were living independently and eking out their own livelihood. The applicant made a request for compassionate appointment on 19.10.2011. A three member committee interviewed the applicant and advised him to get qualified in the 10th standard within a period of one year from the date of appointment. Accordingly, the applicant appeared in SSC examination and passed in the year 2013. On passing the X standard, the applicant made a representation on 26.05.2017. The respondents disposed of the representation vide their letter dated 30.06.2017 stating that the children of the deceased employee including the applicant are already employed and therefore, his request could not be considered for compassionate appointment. Aggrieved over the same, the OA has been filed.

4. The respondents informed through their reply statement that the request of the applicant was recommended by a 3-member committee for the post of MTS on compassionate grounds. As per the Circular dt.09.02.2012, prior approval of the DAI is required to be obtained in cases where earning members already existed in the family of the deceased. Since the family members of the applicant were employed, the request of the applicant was forwarded to the Headquarters of the respondent organization on 04.01.2013. The Headquarters office vide letter dated 11.03.2013 rejected the request of the applicant on the ground that four sons of the deceased employee including the applicant were employed.

5. Heard learned counsel and perused the documents submitted.

6. It is seen from the records placed before the Tribunal that the respondents have deputed a Welfare Officer to investigate the financial status of the dependents of the deceased employee. The Welfare Officer after due financial

enquiry has stated that the dependent members of the deceased employee are in need of immediate financial support. Accordingly, the Departmental Selection Committee met and considered the case of the applicant on 07.12.2012. Based on the findings of the departmental selection committee a recommendation was made to the Headquarters office of the respondents organization. The latter has rejected the claim of the applicant stating that the applicant and the other family members of the deceased employee are employed and also took an objection as to why the case of the applicant was recommended when he did not possess the requisite educational qualification.

In response, the 3rd respondent has replied quoting circular dated 11.12.2009 of the respondent organization wherein it was mentioned that for appointment on compassionate grounds in exceptional circumstances, Government may consider recruiting persons not immediately meeting the minimum educational standards. The Government may engage such persons as trainees who will be governed by the minimum of (-) 1S pay band of Rs.4440-7440 without any grade pay. It is also pertinent to note that the Welfare Officer in his Financial Enquiry Report has mentioned that all the sons of the deceased employee are earning members including the applicant. However, the earning family members of the deceased employee were living separately. The eldest son Sri Gowri Shankar is working as Senior Auditor in the respondent organization. The 2nd son Sr. G. Rama Rao is working privately as Painter and earning Rs.1950/- per month. Two daughters of the deceased employee were married and are living separately. Third son is also working as labourer in general stores and earning Rs.2000 per month. The youngest son i.e. the applicant is unmarried and there is also another daughter Kum. G. Varalakshmi, who is dependent on the applicant. As can be seen from the said Report of the

Welfare Officer, sons of the deceased employee are into sundry jobs except the 1st son who is working for the respondent organization. At the moment, the applicant is working as milk supplier and is earning Rs.1800/- per month, which is too meagre to eke out a decent livelihood. Besides, his sister who is unmarried is also dependent on him. Based on the above details, the Welfare Officer recommended the case of the applicant for compassionate appointment.

7A. We find that the enquiry done by the Welfare Officer has been elaborate giving reasons as to why the applicant should be considered. As seen from the details, the applicant's case deserves consideration as he is working privately for a meagre amount of Rs.1800/- per month and he has also to take care of an unmarried sister. The applicant has the responsibility of getting his sister married. The terminal benefits were distributed amongst all the four brothers and the applicant got 1/4th of the gratuity amount of Rs.86,126/- which was used to repay the loan taken for performing the marriage of his second sister. Similarly, he got a sum of Rs.9,525/- as his share from CGEGIS amount, which was also utilized to repay the loan taken from Punjab Sind Bank. Thus, the applicant is definitely under financial stress, besides he has to shoulder the major responsibility of getting his sister married. It is these aspects which deserve consideration.

B. The Hon'ble Supreme Court of India in Canara Bank Vs. M. Mahesh Kumar, decided on 13.05.2015, CIVIL APPEAL NO.260/2008 reported in LAWS (SC) 2015 546, has laid down the principles to be followed in granting compassionate appointment as under:

“..20. Thus, while considering a claim for employment on compassionate ground, the following factors have to be borne in mind: (i) Compassionate employment cannot be made in the absence of rules or regulations issued

by the Government or a public authority. The request is to be considered strictly in accordance with the governing scheme, and no discretion as such is left with any authority to make compassionate appointment dehors the scheme. (ii) An application for compassionate employment must be preferred without undue delay and has to be considered within a reasonable period of time. (iii) An appointment on compassionate ground is to meet the sudden crisis occurring in the family on account of the death or medical invalidation of the breadwinner while in service. Therefore, compassionate employment cannot be granted as a matter of course by way of largesse irrespective of the financial condition of the deceased/incapacitated employee's family at the time of his death or incapacity, as the case may be. (iv) Compassionate employment is permissible only to one of the dependants of the deceased/incapacitated employee viz. parents, spouse, son or daughter and not to all relatives, and such appointments should be only to the lowest category that is Class III and IV posts."

C. The applicant satisfies the grounds stipulated in the judgment of the Hon'ble Supreme Court *supra*. The Hon'ble Supreme court observed that when the family members of the deceased employee are placed in indigent circumstances, requests for appointment under compassionate grounds need to be considered as per extant rules. As seen from the details presented above, the applicant is not financially secured and needs support from the respondent organization. Applicant and his sister were dependent on the deceased employee. Her demise has pushed them into a sudden crisis. Applicant has applied in time. Other family members are living separately, most of them with meagre salary. Without considering the above details and rejecting the claim of the applicant that the family members are employed is unfair to say the least.

D. Keeping the above facts in view, the respondents are directed to consider the case of the applicant for compassionate recruitment duly reckoning the fact that the applicant has now obtained the desired qualification of 10th standard and also taking into consideration the financial status of the applicant as revealed in the financial enquiry report of the Welfare Officer.

E. Time allowed to implement the order is three months from the date of receipt of copy of this order.

F. With the above directions, the OA is allowed. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 8th day of January, 2019

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