

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

**OA/021/265/2018 &  
MA/021/161/2018**

**Date of Order: 03.04.2019**

Between:

1. Kanneganti Narsamma,  
Aged about 50 years,  
W/o. Late Sri Nagaiah,  
5-143/A, Sri Krishna Puram,  
Ramanujavaram, Manuguru,  
Kondaigudem, Bhadradi,  
Kothagudem District (T.S)-507 117.
2. Kanneganti Malluru,  
Aged about 30 years,  
S/o. Late Sri Nagaiah,  
5-143/A, Sri Krishna Puram,  
Ramanujavaram, Manuguru,  
Kondaigudem, Bhadradi,  
Kothagudem District (T.S)-507 117.

... Applicants

**And**

1. The Union of India rep. by its  
Secretary to Govt. of India,  
Dept. of Atomic Energy,  
Anushakti Bhavan,  
C.S.M. Marg, Mumbai – 400 001.
2. The Chief Executive,  
Heavy Water Board,  
V.S. Bhavan, Anushakthi Nagar,  
Mumbai – 400 094.
3. The Heavy Water Plant (Manuguru)  
Rep. by its Chief General Manager,  
Dept. of Atomic Energy, Govt. of India,  
Gauthami Nagar (P), Aswapuram (M),  
Bhadradi, Kothagudem Dist (T.S) – 507 116.

... Respondents

Counsel for the Applicants ... Mr. T. Koteswara Rao

Counsel for the Respondents ... Mr. L. Pranathi Reddy, Addl. 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 is filed for not considering the applicant for compassionate appointment.

3. MA/21/161/2018 filed seeking to condone the delay is allowed for the reasons stated therein.

4. Brief facts of the case are that the husband of the 1<sup>st</sup> applicant, while working in the respondent organisation, died in harness on 22.12.2005. Consequently, the 1<sup>st</sup> applicant represented to the respondents on 10.7.2006 and 22.6.2008 for providing compassionate appointment to her son i.e. the 2<sup>nd</sup> applicant herein. But her request was rejected on 6.3.2007 and 24.11.2008 without forwarding to the competent authority for consideration. Knowing that some other candidates, who were relatively well off than her family, were provided with compassionate appointment, 1<sup>st</sup> applicant made representations on 5.7.2007 and 31.7.2007 but the same have not been disposed of till date. Aggrieved over the same, the present OA has been filed.

5. The contentions of the applicant are that the little land they possessed was given to the respondent organisation and in compensation, the applicant's husband was given the job of Helper in Group D grade and some amount was paid towards the land. The amount obtained as compensation towards land and the meagre terminal benefits received were spent in paying the debts raised in

getting her husband treated, performing the marriage of her daughter and in discharging other liabilities. On the demise of her husband , the 1<sup>st</sup> applicant worked as an agricultural labourer to take care of her family as the family pension of Rs 9500 received was not enough to make both ends meet. The 1<sup>st</sup> applicant has neither a house nor any piece of land and the family is living in indigent circumstances. Some other candidates, those who were relatively well off than the 2<sup>nd</sup> applicant, were provided with compassionate appointment. The order of rejection was not a reasoned order and that too issued by an incompetent authority.

6. Respondents intimated that the request for compassionate appointment was rejected after duly considering the size of the family, age of children and the financial condition of the family as on 6.3.2007. One more application was made on 22.6.2008 and the same was also rejected on similar grounds by the competent authority. The other candidates referred to by the 1<sup>st</sup> applicant were considered by the competent authority after due examination of the case and that there was no discrimination. The representations made by the applicant on 5.7.2017 and 30.7.2017 would be placed before the competent Committee, which is expected to meet after the weightage factor assessing the indigent circumstances is finalised.

7. The applicant has filed a rejoinder stating that the processing of the applications for compassionate appointment has to be done based on the provisions as contained in DOPT letter dated 16.1.2013.

8. Heard both the counsel and perused the documents and the material papers submitted.

9. Learned counsel for the applicant has submitted that there was discrimination in considering the case of the applicant vis-a-vis others as stated in the OA. This was countered effectively by the learned counsel for the respondents by asserting that the applicant was not discriminated by stating that others were considered for compassionate appointment after due diligence.

10. The case is similar to that of the case dealt and allowed by this Tribunal in OA 496 of 2019. The important factors to be considered are that a responsible officer should go over and meet the family of the deceased employee to assess as to whether the family is living in indigent circumstances as provided for in DOPT Memo dated 16.1.2013. As per the said Memo, application for compassionate appointment can be made any time and that it has to be examined by the competent authority, which appears not to be so in the present case as per Annexure IV ( page 18) of the OA. The respondents should not base their decisions to offer or to reject compassionate appointment solely on the terminal benefits received by the family of the deceased employee as per the cited Memo. The respondents have been fair enough to commit that they will examine the representations made by the applicant on 5.7.2017 and 30.7.2017 and place it before the competent Committee to decide the issue.

11. Thus, considering the facts stated, to meet the ends of justice, the respondents are directed to consider the case of the applicant in next meeting of the competent Committee, whenever it is held, but not later than 3 months from

the date of receipt of this order, by keeping in view the provisions laid down in DOPT letter dt 16.1.2013. O.A is disposed of accordingly. There shall be no order as to costs.

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

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