

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

OA/021/266/2018

Date of Order: 03.04.2019

Between:

1. P. Pushpavathi, aged about 52 years,
W/o. Late Sri P. Veera Bhadra Rao,
H.No.1-221/1, Seetharam Puram Village,
Aswapuram Post and Mandal,
Bhadradri Kothagudem District, T.S. – 507 162.
2. P.R. Kiran Kumar, aged about 29 years,
S/o. late Sri P. Veera Bhadra Rao,
H.No.1-221/1, Seetharam Puram Village,
Aswapuram Post and Mandal,
Bhadradri Kothagudem District, T.S. – 507 162.

... 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),
Bhadradri, Kothagudem Dist, T.S. – 507 116.

... Respondents

Counsel for the Applicant	...	Mr. T. Koteswara Rao
Counsel for the Respondents	...	Mrs. B. Gayatri Varma, Sr. PC to CG

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 case of the 2nd applicant for compassionate appointment.

3. Brief facts of the case are that the husband of the 1st applicant died while working for the respondent organisation on 29.6.2011. Consequently, she made a representation on 12.9.2011 for providing compassionate appointment to her son i.e. the 2nd applicant. It was rejected in 2017. Applicant made another representation on 8.8.2017 for which there is no response and hence the OA.

4. The contentions of the applicant are that the paltry amount received as terminal benefits were used to repay debts and for defraying medical expenses of her late husband and performing marriage of her daughter. The family does not have any other source of income nor any land or a house. With the meagre family pension of Rs 15000 being received, it is difficult to lead a decent life. The 1st applicant is working as agricultural labourer to take care of her family. Other candidates, who were better placed than the 2nd applicant, were considered for compassionate appointment. The rejection order is not a reasoned order.

5. Respondents informed that on the demise of the husband of the 1st applicant, the request made on 12.9.2011 for compassionate appointment for the 2nd applicant was examined based on the weightage factor by the competent Committee and rejected the request keeping in view relative merit and 5 % of the

direct recruit vacancies only being available. The assessment has been objective and that there is no discrimination as alleged. The representation received on 8.8.2017 would be placed before the next Committee for examining the request.

6. The applicant has filed a rejoinder stating that the respondents have to follow the DOPT instructions stipulated in letter dated 16.2013 as observed by this Tribunal in OA 496/2018. He questioned the aspect of giving weightage to liabilities stating that people can take loans and misuse them.

7. Heard both the counsel and perused the documents as well as the material papers submitted.

8. The respondents have developed a system of objective assessment of cases of compassionate appointment by ushering in the system of weightage factor to assess the indigence of the family of the deceased employee. A Committee evaluates the request and decides the cases. Hence the system is fair to this extant. We do not agree with the contention of the applicant challenging the policy of the respondents in regard to weightage for liabilities since it is a policy matter and it is best left to the respondents. Nevertheless, instead of merely gathering information, it would be of immense help to send a responsible officer to meet the family of the deceased employee to know first hand the ground reality about the indigence of the family as contained in DOPT Memo dated 16.1.2013. Figures would be sometimes misleading but the ground situation when studied would be proximal to the ground reality. The other factors as stated in the DOPT Memo cited in OA 496/2018 would assist the respondents in evaluating the case in a much more objective manner. The respondents have

been fair in accepting to place the representation dated 8.8.2017 before the competent Committee for consideration. Thus, keeping the aforesaid facts in view, the respondents are directed to consider the case the applicant, based on the latest representation made, bearing in mind the DOPT instructions referred to, within a period of 3 months from the date of receipt of this order.

9. With the above direction the OA is disposed of. Parties will bear their own costs.

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

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