

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.201/00256/2016**

Jabalpur, this Thursday, the 02<sup>nd</sup> day of May, 2019

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Ravindra Betav  
S/o Kailashchandra Betav  
Age-33 years  
Occupation Nil  
R/o 10-N-L Scheme No.71  
Sector-C, Indore Dist.  
Indore (M.P.)

**-Applicant**

(By Advocate –**Shri Vijay Tripathi**)

**V e r s u s**

1. Employees Provident Fund Organization  
through Central P.F.  
Commissioner (HRM)  
Bhavishya Nidhi Bhawan 14,  
Bhikaji Cama Place  
New Delhi 110 066

2 Regional P.F. Commissioner (HRM)  
Employees Provident  
Fund Organization  
Regional Office  
7 Race Course Road,  
Indore 452003

**-Respondents**

(By Advocate –**Shri J.K. Pillai**)

**ORDER (Oral)**

This Original Application has been filed by the applicant challenging the order dated 04.09.2015 (Annexure A-11) and order dated 28.10.2014 (Annexure A-8) and 29.07.2013 (Annexure A-3) passed by the respondents whereby the application for compassionate appointment has been rejected.

2. The applicant has prayed for the following reliefs:-

*“8.1 Quash impugned order dated 04.09.2015, 28.10.2014 and 29.07.2013 Annexure A-11, A-8 and A-3.*

*8.2 The Respondents may kindly be directed to provide compassionate appointment to the applicant on appropriate post.*

*8.3 The respondents may further kindly be directed to compensate the applicant for the loss suffered by him from the date of application till date of appointment and for mental harassment of the family.*

*8.4 Any other relief which this Hon'ble Court deems fit in the interest of justice may kindly be provided in favour of the applicant.”*

3. The brief facts of the case are that the father of the applicant while working on the post of Social Security Assistant (SSA) at Regional Office, Indore had died in harness on 07.09.2012. The mother of applicant thereafter applied for appointment on compassionate ground to respondent No.2 on 09.10.2012 for her son. The respondent No.2 after going through the detailed report of welfare officer recommended the case of applicant to respondent No.1 vide letter dated 11.02.2013 (Annexure A/2). The respondent No.1 vide letter dated 29.07.2013 (Annexure A/3) rejected the claim of the applicant on the ground that “there is no penury and financial destitution in the family”. Thereafter the applicant submitted his application dated 17.09.2013 (Annexure A-4) for reconsideration of his case as his younger brother’s contractual employment would come to an end, which is followed by a reminder dated 29.04.2014 (Annexure A/6) submitted by the mother of the applicant. The respondent No.2 forwarded the said letters to respondent No.1 vide

letter dated 30.07.2014 (Annexure A-7), which was dismissed vide letter dated 28.10.2014 (Annexure A-8), on the ground that the applicant is married son and therefore cannot be termed as dependent. Thereafter the applicant sought information from Right to Information Act, 2005 vide application dated 10.11.2014, wherein it was informed that no screening committee meeting for compassionate appointment was held after 30.07.2014 and as per DoPT, Government of India has clarified vide notification dated 30.05.2013 that a married son cannot be considered for compassionate appointment, as married son is not considered dependent on a government servant. The applicant submitted a review application dated 07.08.2015 (Annexure A-10) but the same was dismissed vide order dated 04.09.2015 (Annexure A-11).

4. The respondents have filed their reply wherein it has been submitted that the application of the mother of the applicant was considered and the same was rejected on the ground that there is no penury and financial destitution in

the family vide order dated 27.06.2013 (Annexure R-2). It has been submitted by the respondents that vide DOPT's Frequently Asked Questions (FAQs) dated 30.05.2013 (Annexure R-4), the married son is not considered dependent on a government servant.

5. The applicant has also filed rejoinder to the reply filed by the respondents. It has been submitted by the applicant that one Ms. Medha Bapat also applied for compassionate appointment on account of death of her mother in the respondent-department, wherein her case was also rejected vide order dated 22.07.2014 on the ground that there is no penury and financial destitution in the family of the deceased member. Later on vide order dated 30.04.2015 her case was reconsidered and she was given appointment. The applicant has also placed on record the review of FAQs dated 30.05.2013/25.02.2015 (Annexure P-14), consolidated instructions on compassionate appointment DoPT's OM dated 05.09.2016 (Annexure P-14) wherein it has been clarified that married

sons can be considered for compassionate appointment. FAQ No.13 dated 30.05.2013 and FAQ No.60 dated 25.02.2015 stands withdrawn from the date of their issue. It has been further clarified that the cases of compassionate appointment rejected solely on the grounds of marital status in terms of FAQ No.13 dated 30.05.2013, during the intervention period i.e. w.e.f.30.05.2013 to 25.02.2015, in respect of married son may be reopened/reconsidered against vacancies occurring after issue of this O.M.

6. Heard the learned counsel both the parties and perused the pleadings and documents attached with the Original Application. I have also gone through the additional reply of the rejoinder filed by the respondents.

7. From the pleadings it is clear that the applicant had applied for compassionate appointment which was considered rejected on the sole grounds that in the family of the deceased employee, there is no penury and financial destitution and the applicant is a married son. In regard to

the ground for penury and financial destitution, one Ms. Medha Bapat's case was reconsidered and given appointment on compassionate ground vide Annexure P/13. In regard to marital status of the applicant, it has been clarified vide DoPT's OM dated 05.09.2016 (Annexure P-14) that married sons can be considered for compassionate appointment. FAQ No.13 dated 30.05.2013 and FAQ No.60 dated 25.02.2015, stands withdrawn from the date of their issue. It has been further clarified that the cases of compassionate appointment rejected solely on the grounds of marital status in terms of FAQ No.13 dated 30.05.2013 during the intervention period i.e. w.e.f.30.05.2013 to 25.02.2015 in respect of married son may be reopened/reconsidered against vacancies occurring after issue of this O.M.

**8.** In view of the said DoPT's OM dated 05.09.2016, it is in the interest of justice and fair play that the respondents are directed to reconsider the case of the applicant for compassionate appointment in the light of the

said OM within a period of four months from the date of receipt of a copy of this order.

9. This Original Application is disposed of in above terms. No costs.

**(Ramesh Singh Thakur)**  
**Judicial Member**

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