

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.063/00537/2017

**Chandigarh, this the 08th January, 2019
(Reserved on 14.12.2018 at Shimla Circuit Sitting)**

**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

Ajay Bhardwaj, s/o Sh. Vidya Dutt Bhardwaj, R/o VPO Bisha The. Kandaghat, District Solan, Himachal Pradesh.

....Applicant

(Present: Mr. Sanjeev Bhushan, Sr. Advocate along with Mr. Kush Sharma, Advocate)

Versus

1. Union of India through Secretary, Government of India, Ministry of Personnel, Public grievances and Pensions, North Block New Delhi.
2. Accountant General (A&E), Office of Accountant General, Himachal Pradesh, Shimla - 171003.
3. Deputy Accountant General, Office of Pr. Accountant General (A&E), Himachal Pradesh, Shimla - 171003.
4. Welfare Officer, O/o Pr. Accountant General (Audit), Himachal Pradesh, Shimla- 171003. Himachal Pradesh.
5. Vikram Singh (parentage not known), presently posted as Clerk in the office of Accountant General (A&E), Himachal Pradesh, Shimla - 171003.

..... Respondents

(Present: Mr. Subh Mahajan, Advocate for Respondents No. 1 to 4

None for Resp. No. 5)

**ORDER
MS. P. GOPINATH, MEMBER (A)**

1. The father of the applicant was engaged as Daily wage Beldar in the respondent department in the year 1969. On 22.02.2000, the father of the applicant died. The family of the deceased employee approached the respondents with the request to give the applicant a job under the compassionate appointment scheme. The claim for compassionate appointment was rejected.
2. The prayer of the applicant is for setting aside the appointment of 5th respondent and issue a direction that the applicant is entitled for

appointment as Clerk on compassionate grounds with effect from the date the 5th respondent was appointed.

3. The fact of the death of the father of the applicant is confirmed by the respondents. However, they vehemently denied that the prescribed procedure for compassionate appointment was not followed by them and state that no favour was extended to any candidate, in violation of the rules for compassionate appointment. The applicant has approached this Tribunal in the year 2017, i.e. for 17 years the family was able to subsist without compassionate appointment thereby diluting the requirement of compassionate appointment.

4. The applicant has placed on record the proceedings of the Compassionate Appointment Committee for clerks. From the minutes of the Committee, we note that the family liabilities and performance of seven persons, who appeared before the Committee, were considered and out of those two persons were given appointment on compassionate grounds.

5. The Apex Court in the case of **Umesh Kumar Naqpal Vs. State of Haryana**, 1994 SCC (4) 138 has stated that the object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help it to get over the emergency. The compassionate appointment is not to be taken as a routine matter of course. In the present case, the father of the applicant died on 22.02.2000, and thus for 17 years, the family has managed without the benefit of compassionate appointment.

6. The Bench after hearing the matter for some time directed the respondents vide order dated 10.08.2018, to hold an independent enquiry into the charge made by the applicant of non-consideration of dependency of minor daughter of the deceased and non production of

documents that the present applicant was already working. As such the Accountant General (A & E) constituted an enquiry committee consisting of Deputy Accountant General (ES), two senior Accounts Officers from the office of Accountant General (A&E) HP to make an independent enquiry into the charges stated by the applicant before the Tribunal. The charges made by the applicant in the O.A. were (i) non-consideration of the minor daughter of the deceased employee (ii) non production of documents that the applicant who is younger son of the deceased is working somewhere.

7. The Committee scrutinized the documents relating to the departmental screening committee which considered the case of compassionate appointment on 16.03.2017, and came to the conclusion that firstly when the wife of the deceased employee made an application for compassionate appointment of her son, she did not mention the minor daughter in the application form. Secondly, while filling Annexures A & B form for seeking employment on compassionate grounds, the applicant also did not mention anything about this sister being a dependant of the family of the deceased employee. Thirdly, the verification report of the welfare officer made after visiting the house of the deceased employee did not also contain any reference about the minor daughter of the deceased employee. The verification report also contained a copy of the Parivar register issued by the Panchayat. Along with the report, a copy of the proforma seeking employment on compassionate grounds has also been attached wherein the applicant has stated as dependants: wife of the deceased Sarita Bhardwaj, aged 56 years, son Ajay Bhardwaj, 38 years, daughter-in law Archana Sharma aged 35 years, (Grandson Parth aged 6 years,) son Anil Bhardwaj 39 years, daughter in law Seema Sharma aged 35 years, (grand- daughter Ishita Sharma aged

12 years and grandson Hardik Bhardwaj aged 6 years). Hence, the respondents' contention, on the basis of conclusion arrived at in the enquiry report, that the minor daughter did not find mention in the compassionate application form and Panchayat Register, is accepted. The applicant while signing the said form has also certified that the facts given by him in the form to the best of his knowledge are correct.

8. It would be difficult to guess that the applicant has a minor sister in the family. When he could record the names of his niece and two nephews, who were all minors, the name of his minor sister should have also have been placed in the form, hence it does not appear to be an inadvertent omission. The enquiry report draws the conclusion that the name of the minor daughter does not find a place in either the Parivar register of the Panchayat or in the application for compassionate appointment, submitted by the applicant. The report, which had been ordered by the Bench, also in the concluding para states that a perusal of the bank pass book of the applicant reveals that a substantial amount in cash was being deposited in applicant's account at a regular interval during the period 2015-16, was also taken as a source of income.

9. From the above report, it may not be concluded that the family was in destitute condition after 17 years of the death of the father. And, the name of the minor sister which does not find reference in the Parivar Register or in the application form cannot be suddenly put forward as an argument for seeking compassionate appointment. The application form is dated 03.02.2017. The father of the applicant passed away in the year 2000. The minor daughter, if any, would have in the last 17 years, been a major by now. Against the column of liability in the compassionate appointment, we find that a loan

amount has been taken against pension from UCO Bank. Thus loan against pension was taken after the death of the bread earner. However, from the indicated loan amount and the balance outstanding to be paid, we do not conclude that the loan is 17/18 years old or a liability acquired during the life of the father of the applicant. From the facts arising out of the enquiry report, we do not find that there is a case for compassionate appointment, after 17 years, particularly in view of the fact that the applicant is having a regular deposit of substantial amount of cash in his account at regular interval.

10. Compassionate appointment is not merely a source of employment. It is a facility provided when a bread earner suddenly dies, while in service, and the family is deprived of a source of income. This is a matter where the family has survived from the year 2000 when the bread earner unfortunately passed away, till date. Applicant appears to be using the Scheme as a source of seeking employment 17 years later, which was not the purported intention or purpose of the Scheme.

11. The O.A. is dismissed being devoid of any merit.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 08.01.2019

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