

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING: INDORE

Original Application No.201/01099/2016

Indore, this Friday, the 21st day of December, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Sushma Gupta,
 W/o Late Shri Vijay Kumar Gupta
 Aged 44 years
 R/o 203 Mona Apartment, 132-B
 Rajendra Nagar,
 Indore 452012 (MP)

-Applicant

(By Advocate **Smt. Seema Mishra**)

V e r s u s

1. Union of India,
 Through Secretary
 Department of Atomic Energy
 Anushakti Bhawan
 CSM Marg
 Mumbai 400 001

2. Director,
 Raja Ramanna Centre for Advanced
 Technology Sukhniwas PO
 CAT Indore 452013 (MP)

- Respondents

(By Advocate –**Shri Kshitij Vyas**)
(Date of reserving the order: 19.12.2018)

O R D E R

By Navin Tandon, AM:-

The applicant is aggrieved by the action of the respondents
 in not granting her appointment on compassionate grounds.

2. The applicant has made the following submissions:-

2.1 The applicant's husband Late Shri Vijay Kumar Gupta was working as Draftsman E with the respondent-department. He died on 28.10.2013 leaving behind his wife, two minor daughters and old widow mother. She submitted her application for compassionate appointment on 06.02.2014 (Annexure A/3).

2.2 The respondents vide letter dated 7/8.10.2015 (Annexure A/1) communicated the decision of the Compassionate Appointment Committee meeting, which in its meeting held on 30.06.2014 decided that the applicant has sufficient money available for her subsistence.

2.3 The applicant vide her letter dated 18.05.2016 (Annexure A/4) again submitted her representation in which she has cited two cases of compassionate appointment in which the employees were working at the high post, had lesser number of dependents and financially much better.

2.4 In response to the said representation dated 18.05.2016 (Annexure A/4), the respondent-department vide their letter dated 05.08.2016 (Annexure A/2) have again communicated the same reasons as Annexure A/1 for rejecting her claim.

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

*“8. **Relief sought**:-In view of the facts mentioned in para 4 above, the applicant prays for the following reliefs:-*

8.1 The respondents be directed to appoint the Applicant on compassionate ground from the date of application dated 06/02/2014 as well as all the benefits of pay and allowances from the very date.”

4. The respondents in their reply have made the following submissions:-

4.1 The appointment on compassionate ground has to be limited to 5% of vacancy against direct recruitment quota in Group ‘C’ and ‘D’ categories as per extant rules.

4.2 During the relevant calendar year 2013, the RRCAT had two vacancies to be filled through compassionate appointment.

4.3 The meeting of the compassionate appointment was held on 30.06.2014 which recommended two cases for appointment on the compassionate ground. The case of the applicant was not recommended in the said meeting.

5. The applicant has submitted the rejoinder in which she has raised the objection to the fact that there is no date with the signatures of the signatory of the minutes of the Compassionate Appointment Committee. Further, even though the meeting were approved by the Director on 09.09.2014. The decision was communicated after a long delay on 08.10.2015.

5.1 Further, the applicant has refuted the claim that she has received an amount of Rs.32,62,609/-, and therefore, the committee has erred in rejecting the claim of the applicant.

6. We have heard the learned counsel for both the parties and perused the pleadings and documents annexed therewith.

7. We find that the objections raised in the rejoinder are well founded. Transparency and promptness in dealing with the official matters is a necessary first step to avoid any apprehension of malafide intentions.

8. The extract from the application form which was filled in by the applicant (Annexure A/3) is as under:-

<i>III</i>	<i>Particulars of total assets left including amount of</i>	
(a)	<i>Family Pension</i>	<i>Rs.12,935/- (Basic pension) (enhanced) Rs.7,761/- (Basic pension) (normal)</i>
(b)	<i>D.C.R. Gratuity</i>	<i>Rs.7,00,589/-</i>
(c)	<i>G.P.F. Balance</i>	<i>Rs.2,47,179/-</i>
(d)	<i>Life Insurance Policies (including Postal Life Insurance)</i>	<i>NIL</i>
(e)	<i>Moveable and Immovable properties and annual income earned therefrom by the family</i>	<i>Rs.16,87,300/- Details attached Annexure-1.</i>
(f)	<i>C.G.E. Insurance amount</i>	<i>R.1,55,672/-</i>
(g)	<i>Encashment of leave</i>	<i>Rs.4,71,869/-</i>
(h)	<i>Any other assets</i>	<i>Nil</i>
	<i>Total</i>	<i>Rs.32,62,609/-</i>

8.1 It is seen that the portion III of the application form itself is slightly defective. There are certain headings which ask for information about onetime payment whereas certain headings which ask monthly/annual income for example (a) family pension,

(e) annual income from property. Adding two different types of figures do not make sense, which is the case here.

9. The Compassionate Committee Meeting held on 30.06.2014 (Annexure R/2), while considering the case of the applicant is recorded as under:-

“5. Smt. Sushma Gupta wife of Late Shri Vijay Kumar Gupta, Ex-DM/E expired on 28.10.2013:

The Committee perused the application of Smt. Shushma Gupta wife of Late Shri Vijay Kumar Gupta, Ex-Draftsman/E. The Committee noted that Smt. Gupta passed M.A. in Economics. Further, the Committee notice that the amount received by the family of Late Shri Gupta is Rs.32,62,609/- and family pension of Rs.12,935 per month.”

10. It is apparent that the observation of the Committee that the amount of family of the late Vijay Kumar Gupta is R.32,62,609/- has been drawn from the application form itself.

11. It is seen that the applicant has filled in an amount of Rs.16,87,300/- as annual income from the properties (details attached as Annexure 1). Perusal of Annexure 1 clearly indicates that the income earned by the property is ‘Nil’.

12. It is a clear case where there are mistakes committed by the applicant in filling up the application form. Simultaneously, respondent-department has also not bothered to check the correctness of the information filled in by the applicant in the application form.

13. The respondents have filed the Office Memorandum dated 09.10.1998 (Annexure R/4) issued by Department of Personnel and Training (DoPT) for the scheme for compassionate appointment wherein Para 12 (b) reads as under:-

“12(b) The Welfare Officer in each Ministry/Department/Office should meet the members of the family of the Government servant in question immediately after his death to advise and assist them in getting appointment on compassionate grounds. The applicant should be called in person at the very first stage and advised in person about the requirements and formalities to be completed by him.”

14. In terms of the policy of the DoPT, various Ministries have issued detailed guidelines for granting merit points for covering different aspects like number of dependents, availability of house, retirement benefits, pension, etc. Based on the merit points, the applicant is granted appointment based on the number vacancies available to be filled up for compassionate appointment. In this case, we find that no such merit points have been awarded to the applicant or to other such candidates who were considered by the Committee. The respondents may consider framing of a similar scheme of awarding of merit points as is prevalent in other Ministries like Ministry of Defence.

15. DoPT has issued consolidated instructions on compassionate appointment vide O.M. No.141014/02/2012-Estt. (D) dated 16.01.2013. Para 18(c) is reproduced below:-

“18(c).....An application for compassionate appointment should, however, not be rejected merely on the ground that the family of the Government servant has received the benefits under the various welfare scheme. While considering a request for appointment on compassionate ground a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities (including the benefits received under the various welfare scheme mentioned above) and all other relevant factors such as the presence of an earning member, size of the family, ages of the children and the essential needs of the family, etc.”

16. From the above, it is evident that the terminal benefits received cannot be the sole criteria for rejecting the claim for compassionate appointment.

17. In view of the above, this Original Application is allowed. Respondents are directed to depute a Welfare Officer to the applicant who shall assist her in filling up the application form correctly. The said exercise should be completed within one month from the date of receipt of a certified copy of this order.

18. Further, the respondents are directed to reconsider the case of the applicant for compassionate appointment as per the new application form so filled in by her. This exercise should be completed within three months from the date of receipt of duly filled in application form.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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