

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA-542/2016
MA-2707/2018**

New Delhi, this the 20th day of February, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Lajwant Kaur w/o late Sh. Rajesh Kumar Verma,
Aged 53 ½ years. approx.,
R/o C-22, East Baldev Park,
Parvana Road, Krishna Naagar,
Delhi-51.

...Applicant

(through Sh. Shrigopal Aggarwal)

Versus

1. GNCT of Delhi through
Chief Secretary, Delhi Secretariat,
IP Estate, Govt. of NCT of Delhi, New Delhi.
2. Director of Education,
Directorate of Education, Old Secretariat, Delhi.
3. Secretary (Services),
GNCT of Delhi,
Service Department,
5th Level : A-Wing, Delhi Secretariat,
N. Delhi-02.

...Respondents

(through Sh. Vijay Kumar Pandita for R. Nos. 1 and 2 and Sh.
Amit Yadav for R.No. 3)

ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

The husband of the applicant was employed as a Trained Graduate Teacher (TGT) in an institution under the Government of National Capital Territory of Delhi (GNCTD). He met with an untimely death on 28.07.2012 at a time when he was about 55 years of age. The applicant submitted a representation to the respondents with a request to provide her employment, on compassionate grounds. Through an order dated 20.10.2014, the respondents informed the applicant stating that her case was considered by the Screening Committee, constituted for this purpose at its meetings held on various occasions and that on consideration of the relevant facts pertaining to the financial benefits extended to her and other similar factors, the committee opined that she does not qualify for appointment. At a subsequent stage also, her case was considered and on finding that adequate vacancies are not available, the case was rejected, duly taking into account the guidelines issued by the Government of India in various Office Memoranda. This OA is filed challenging the action of the respondents.

2. The applicant contends that time and again the Hon'ble Supreme Court held that the benefit of compassionate appointment

must be extended to the dependents of the deceased employee at any cost and if necessary, by creating supernumerary posts and there is absolutely no basis for the respondents in rejecting her case.

3. The respondents filed counter affidavit opposing the OA. It is stated that over the period, the Government issued instructions to be followed in the context of considering the applications for providing appointment on compassionate grounds and when such parameters are applied, the applicant did not qualify the same. It is stated that the family of the applicant was extended the terminal benefits aggregating to Rs. 16,41,006/- and that she is being paid family pension of about Rs. 26,000/-. It is also stated the facts such as that there are no minor children dependent on the family and the age of the applicant, is 53 years, were also taken into account.

4. We heard Sh. Shrigopal Aggarwal, learned counsel for the applicant and Sh. Vijay Pandita and Sh. Amit Yadav, learned counsel for the respondents.

5. Basically, the facility of providing appointment on compassionate grounds to the dependents of deceased employees is the one, evolved by the Hon'ble Supreme Court. No rules are framed by the Government in this behalf. The purpose was to enable the family, which is left in penury, on account of untimely death of the employee, to sustain itself.

6. As and how the claims pouring in large numbers, the Government started framing guidelines in this behalf to ensure that the posts in a service are not filled only through the process of Compassionate Appointment or by way of succession at the cost of appointments on the basis of merit. A restriction was placed to the effect that the vacancies of not more than 5% of the cadre shall be earmarked for the purpose. In view of the fact that the facility of compassionate appointment is only to enable the family to overcome the penury, on account of the sudden death of the employee, it was mentioned that in case the family is extended considerable financial benefits and is otherwise in not so miserable a condition, the facility need not be extended, so that other deserving candidates get it.

7. Viewed in this context, the case of the applicant does not deserve to be accepted. The reason is that the family was extended a sum of Rs. 16,41,006/- consequent to the death of the husband of the applicant and as of now, she is getting a pension of Rs. 26,000/- per month. This, at a time when the Post Graduates, fresh from the colleges and hailing from poor families are awaiting employment against posts, whatever be the emoluments. Recent newspaper reports revealed that in some places B.Tech Degree holders registered their names under MNREGA, to earn livelihood. When

the problem of employment is acute in the society, each appointment of this nature would curtail the appointment of a highly qualified unemployed person. There are also families which did not have an opportunity of employment for generations together.

8. Added to that, the applicant is now about 54 years old and hardly she fits into any post whatever that are existing in the Government. Even if she is appointed under compelling circumstances, one cannot expect a satisfactory discharge of duties from her be it on account of lack of experience or age. If such instances accumulate upto certain extent, public services tend to become the facilities of rehabilitation, than to provide service to public. The sympathy which everyone is bound to have towards a family due to loss of a family member should not be to the extent, that it disturbs the public interest.

9. We do not find any merit in the OA and accordingly the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/