

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2794/2019

Thursday, this the 19th day of September 2019

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

1. Smt. Sonvati, aged 55 years
w/o late Shri Amar Singh
r/o Village & Post Maulagarh
Chandausi, Moradabad, UP

2. Nirdosh Kumar, aged 33 years
s/o late Shri Amar Singh
r/o Village & Post Maulagarh
Chandausi, Moradabad, UP

..Applicants

(Mr. Anilendra Pandey and Mr. C P Singh, Advocates)

Versus

1. Union of India through the Secretary
Ministry of Information & Broadcasting
Dr. Rajendra Pd. Road, Shastri Bhawan, New Delhi
2. Prasar Bharti
Through its Secretary
Broadcasting Corporation of India
Doordarshan Maintenance Centre, Rampur (UP)
3. The Chief Engineer (NZ)
Akashvani & Doordarshan
Jam Nagar House, New Delhi

..Respondents

(Mr. S M Zulfiqar Alam, Advocate for respondent No.1,
Mr. S M Arif, Advocate for respondent Nos. 2 & 3)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The Hon'ble Supreme Court had issued certain directions long ago for providing appointment on compassionate grounds, to the dependent family members of employee who dies in

harness. The measure was to enable the family to tide over the sudden penury that resulted on account of death of employee. Their Lordships may not have even dreamt that such a benevolent measure would be reduced to ridiculous levels, as is event in the instant case.

2. One Shri Amar Singh was employed as Technician in Doordarshan Maintenance Centre at Mainpuri, UP. He died on 09.02.1999. His wife, the 1st applicant herein, made a representation for providing employment on compassionate grounds. The request was considered and through an order dated 06.04.2000, the respondents appointed the 1st applicant as Helper. However, she did not join the duties. Eight years later, she addressed a letter, stating that she could not join the duties on account of health problems and that her son, the 2nd respondent, may be appointed in her place. That was rejected on 22.02.2008. It was clearly mentioned that once the 1st applicant was issued the offer of appointment, the question of considering the request to appoint her son does not arise.

This O.A. is filed with a prayer to direct the respondents to appoint the 2nd applicant in place of 1st applicant.

3. We heard Mr. Anilendra Pandey, learned counsel for applicant, Mr. S M Zulfiqar Alam, learned counsel for respondent No.1 and Mr. S M Arif, learned counsel for respondent Nos. 2 & 3, at length, at the stage of admission.

4. Except that the Hon'ble Supreme Court issued directions for providing employment to the dependents of the deceased employees on compassionate grounds, that too, where the family is left without any means to sustain, there are no Service Rules providing for such a facility. Through the administrative instructions, various Departments have evolved the procedure since large number of applications were pouring in.

5. The 1st applicant made a request for appointment on compassionate grounds on account of death of her husband in the year 1999. Promptly enough, the respondents issued offer of appointment in the year 2000. For one reason or other, the 1st applicant did not choose to avail that. In case there existed any immediate problem, request to replace her with her son ought to have been made within the time stipulated for joining duty. It is only eight years thereafter, that a representation was made in this behalf. That was rejected and eleven years thereafter, the present O.A. is filed.

6. Even it were to have been a case, where the 2nd applicant was selected by properly constituted Selection Committee in accordance with the Rules against a clear vacancy, relief cannot be granted at this stage. The question of granting any relief to the applicants, does not arise.

7. We do not find any merit in this O.A. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

September 19, 2019
/sunil/

