

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.20/709/2018**

**Date of Order: 13.06.2019**

Between:

Neelapu Govinda Rao, S/o. late Appanna,  
Aged about 28 years, Occ: Unemployee, Gr. 'C',  
R/o. D. No. 4-19-27, Dalaivari Veedhi,  
Peda Waltair, Visakhapatnam – 530 017.

... Applicant

And

1. The Union of India, Rep. by its Secretary,  
Ministry of Defence, New Delhi.
2. The Director General of Naval Project,  
Naval Base Post, Visakhapatnam.

... Respondents

Counsel for the Applicant ... Mr. G.V. Shivaji

Counsel for the Respondents ... Mrs. M. Swarna, Addl. CGSC

***CORAM:***

***Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

***ORAL ORDER***

***{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }***

2. OA is filed for rejecting the request of the applicant for compassionate appointment.
3. On 25.8.1994, father of the applicant retired on medical invalidation from the respondents organisation. Application was made for compassionate appointment for the brother of the applicant since he had requisite qualifications. Unfortunately, father of applicant passed away on 3.10.1997. Family conditions having deteriorated, mother of the applicant sought compassionate appointment to the applicant on

2.4.2018. Request was rejected, vide communication dated 16.04.2018, on grounds that the application for compassionate appointment has to be made within 5 years from the date of medical invalidation of the ex-employee. Aggrieved over the rejection, OA has been filed.

4. Applicant contends that similarly placed persons were considered for compassionate appointment. An application was made to consider the brother of the applicant within 2 months of the retirement of the ex-employee on medical grounds. Hence, an application was there with the respondents from a dependent family member.

5. Respondents resist the claim of the applicant by stating that the request of the brother of the applicant was not considered due to lack of vacancy. Present application is made after 24 years of medical invalidation of the ex-employee, against the prescribed time period of applying within 5 years. Hence, on grounds of delay his request was rejected. Nevertheless, applicant was informed to provide the requisite documents to consider his case as and when vacancies are made available under 5% of total direct recruitment vacancies by the competent authority.

6. Heard the counsel and perused the documents placed on record.

7 (I) Compassionate appointment is offered to dependent family member of the deceased employee based on the indigent circumstances in which the family is living. Hon'ble Supreme Court has observed so in a catena of judgments to provide compassionate appointment if the family is living in indigent circumstances. To assess the indigent

circumstances and guide the family about the way ahead, a responsible officer or a Welfare Officer, from the respondents organisation need to visit the family as per DOPT instruction F.No.14014/02/2012--Estt. (D) Government of India Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) dated the 16<sup>th</sup> January, 2013. The visit of the Welfare Officer serves the dual purpose of guiding the family and also to have a first hand feel of the plight of the applicant's family. Documents do serve the purpose to some extant but a personal visit makes all the difference in taking a view on the issue. The relevant portion of the letter dt. 16.01.2013 is extracted here under:

*"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."*

*"The applicant may also be granted personal hearing by the committee, if necessary, for better appreciation of the facts of the case."*

Besides, as per DOPT instruction referred to , there is no time limit fixed for submission of applications for compassionate appointment as reproduced hereunder:

**8. TIME LIMIT FOR CONSIDERING APPLICATIONS FOR COMPASSIONATE APPOINTMENT:** Prescribing time limit for considering applications for compassionate appointment has been reviewed vide this Department O.M No.14014/3/2011- Estt.(D) dated 26.07.2012.

Subject to availability of a vacancy and instructions on the subject issued by this Department and as amended from time to time, any application for compassionate appointment is to be considered without any time limit and decision taken on merit in each case

(II) The earlier application of the brother of the applicant was rejected on grounds of lack of vacancy. The view of the respondents that the application was preferred after a long gap of 24 years cannot be brushed aside. However, in view of the cited DOPT instruction that there is no time limit to accept compassionate applications, it would be proper and appropriate for the respondents to send a responsible officer to meet the family, as is required by the cited memo and consider the case based on the outcome of the visit report. Possibly, when a family is in dire straits, ideas dry up. One does not know what to do. Only when someone who is not part of the situation advises, people come over seeking relief. Perhaps, this could be one such case. Nevertheless, rules are to be upheld. Hence, keeping the DOPT instruction referred to above, respondents are directed to consider deputing an officer to assess the ground reality about the indigent circumstances of the family and thereafter, take a decision based on the feedback and the availability of vacancies as well as the extant rules, within 3 months from the date of receipt of this order.

(III) With the above direction, the OA is allowed, with no order as to costs.

**(B.V. SUDHAKAR)  
MEMBER (ADMN.)**

Dated, the 13<sup>th</sup> day of June, 2019  
evr