

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.855/2003
M.A. NO.734/2003

New Delhi, this the 13th day of October, 2003

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Smt. Sunehari Devi
W/o Late Shri Captan Singh,
R/o House No.E-45, Laxmi Park,
Near Saini Vihar, Nangloi,
Delhi-110041.
2. Ms. Subhadra,
D/o Late Shri Captan Singh,
R/o House No.E-45, Laxmi Park,
Near Saini Vihar, Nangloi,
Delhi-110041. Applicants

(By Advocate : None present even on the second call)

Versus

1. Union of India,
Through Chief Secretary,
New Delhi.
2. The Secretary,
Cabinet Secretariat,
Government of India,
Bikaner Bhawan (Annexe),
Room No.7, Shahjahan Road,
New Delhi.
3. The Under Secretary,
Cabinet Secretariat,
Bikaner Bhawan Annexe,
New Delhi. Respondents

(By Advocate : Shri Madhav Panikar)

ORDER (ORAL)

Despite an observation made on 24.9.2003, whereby a last opportunity was granted to the applicants to file the rejoinder, no rejoinder has been filed and brought on record. Right of the applicants stands forfeited to do the same. Even on the second call, none has appeared for

the applicants. Accordingly, the OA is disposed of in terms of Rule 15 of the CAT (Procedure) Rules, 1987.

2. MA 735/2003 for joining together is allowed.

3. Through this OA, the applicants have impugned the respondents' Memorandum dated 12.1.2001 rejecting the request of daughter of the applicant No.1 for appointment on compassionate grounds as LDC. Quashment of the aforesaid order has been sought with a further direction to the respondents to consider the case of applicant No.2 for appointment on a suitable post on compassionate basis.

4. Brief facts of the case are that father of the applicant No.2 was died in harness on 8.6.1997. Widow, i.e., applicant No.1 applied for compassionate appointment, being illiterate, the same was refused vide order dated 24.11.1997. On attainment of majority of applicant No.2 and keeping in view her request, applicant No.2 was called for interview and typewriting test. By an order dated 26.5.2000, the applicants were informed by the respondents that applicant No.2's request for compassionate appointment could not be acceded to on the ground that one of the family members of the deceased Govt. employee was employed.

5. On re-consideration also the request was turn down, finding the applicant No.2 non-deserving and the family is not in indigent circumstances.

6. The applicants in their OA have assailed the impugned order on the ground that the family is indigent and their request was turn down by a non-speaking order. It is also pointed out that son of the widow is not supporting the family though earning. It is also stated that the terminal benefits accorded were utilised for repaying the outstanding loan taken

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due to illness of the deceased Govt. employee, i.e., husband of the applicant No1.

7. Applicants have filed MA 734/2003 for condonation of delay in filing the Original Application on the ground of illness of the applicant No.1.

8. Shri Madhav Panikar, learned counsel for the respondents has vehemently opposed the contentions raised in the OA by resorting the DOP&T's OM issued in 1998 and contended that as the applicant No.1, who is illiterate, was not found eligible for consideration in any group 'C' post. However, she was considered for group 'D' post. As there are more deserving cases in comparison to the case of the applicant No.1 and also in absence of any vacancy, her request was not exceeded to.

9. As regard the claim of the applicant No.2 is concerned, her case for appointment as LDC in Group 'C' post on compassionate ground was considered against five available vacancies in the grade of LDC. On comparative evaluation of all the nine cases pending for compassionate appointment, keeping in view the family liabilities, employment status of the family members, etc, the case of the applicant was found less indigent and deserving as compare to others. Accordingly, her case was rejected, as one son of the applicant No.1 was also working and sufficient vacancies did not exist and also keeping in view the fact that the death of the husband of the applicant No.1 was occurred in 1997. It is stated by the respondents that at this belated stage, accord of compassionate appointment would go against the object of the Scheme.

10. I have carefully considered the pleadings available on record and heard Shri Madhav Panikar, learned counsel for the respondents.

11. Having regard to the reasons of illness and justifiable grounds, delay in filing the Original Application is condoned. On merits, the claim of the applicant No.1 was rejected as per rules being illiterate. The claim of

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the daughter, i.e., applicant No.2 though considered was not acceded to, having regard to the vacancies and less deserving case as compared to others. As the rejection was intimated on 21.1.2001, keeping in view that the compassionate appointment cannot be claimed as a right, the case having been considered in accordance with the Scheme and also keeping in view all the factors, like liabilities and assets of the family, no interference is called for.

12. The object of compassionate appointment is to redress the family from the immediate financial crises and to tide over it. As the death of the deceased Govt. employee has occurred in 1997 and six years had already lapsed, there is a presumption that the family having sustained on the basis of terminal benefits and employment of son of the applicant No.1. At this belated stage, accord of compassionate appointment would go against the very object of the Scheme. Moreover, the compassionate appointment is to be accorded to the most deserving cases, subject to the availability of 5% of the vacancies in direct recruitment quota.

13. In the result, for the foregoing reasons, the OA is bereft of merit and is accordingly dismissed. No costs.

S. Raju
(SHANKER RAJU)
MEMBER (J)

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