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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1669/2003

This the 3rd day of July, 2003

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Navin Albert Aind S/O Late Achilesh Aind,
966, Sector-IV, R.K.Puram,
New Delhi-110022. Applicant

(By Shri S.C.Soren, Advocate)

-versus-

1. Union of India through
Ministry of Finance
(Dept. of Audit and Accounts),
North Block, New Delhi-110001,
through its Secretary.
2. Comptroller and Auditor General of India,
10, Bahadurshah Jafar Marg,
New Delhi-110001.
3. Principal Accountant General
(A&E) I Bihar and Jharkhand,
P.O.Doranda, Ranchi. Respondents

O R D E R (ORAL)

Applicant has challenged rejection of his application for appointment on compassionate grounds.

Applicant's father Shri Achilesh Aind, Senior Accountant in the office of Principal Accountant General, Ranchi, died in harness on 11.12.1998. Respondents had informed applicant vide letters dated 21.11.1999, 12.1.2000 and 21.12.2001 that his case has been finally rejected. Letter dated 21.10.2002 also communicated the decision regarding rejection of applicant's claim for employment on compassionate grounds.

2. The learned counsel of applicant stated that while applicant's mother Smt. Prafulit Aind is an

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earning member working as Clerk in the State Government of Jharkhand on a monthly income of Rs.4000~5000, she has a number of dependents to support, namely, old mother of the deceased employee, her own old mother and three sons, one of whom is a student of Class-X and two others, though graduates, are unemployed. The learned counsel stated that in terms of DOP&T OM dated 9.10.1998 on the subject of revised consolidated instructions on the scheme for compassionate appointment, even where there is already an earning member in the family, compassionate appointment should be considered in deserving cases.

3. The father of applicant who was a Government servant died on 11.12.1998. Apart from the retiral benefits received by the family of the deceased Government employee, the mother of applicant is a State Government employee. The object of the scheme is to provide appointment on compassionate ground to a dependent family member when the family is left in penury and without any means of livelihood. In the present case, the death of the Government employee occurred more than three years ago. The mother of applicant is an earning member as a State Government employee. The family of the deceased Government employee has received retiral benefits. Respondents have rejected application of applicant in the light of the relevant instructions contained in OM dated 9.10.1998 and OM dated 28.11.1994 and also the decision of the Hon'ble Supreme Court dated 4.5.1994 in the case of **Umesh Kr. Nagpal vs. State of Haryana and Ors.**

4. In view of the facts of this case as also the application of the aforesated memoranda and the decision of the Supreme Court cited by respondents, I do not find any infirmity in the decision of respondents whereby they have rejected the request of applicant for appointment on compassionate grounds. The OA is dismissed in limine, therefore.

V. Majotra
(V. K. Majotra)
Member (A)

/as/