

(2020) 03 CAT CK 0034

In the Central Administrative Tribunal

Case No : Original Application No. 4217 Of 2018

Om Veer Singh

APPELLANT

Vs

Delhi Development Authority (DDA) And Others

RESPONDENT

Date of Decision : 05-03-2020

Acts Referred:

Citation : (2020) 03 CAT CK 0034

Hon'ble Judges : Aradhana Johri, Member (A)

Bench : Single Bench

Advocate : Rabindra Singh, Sriparna Chatterjee

Final Decision : Disposed Of

Judgement

Aradhana Johri, Member (A)

1. Mr Rabindra Singh, learned counsel appeared for applicant and Ms Sriparna Chatterjee, learned counsel appeared for the respondents.

2. Father of the applicant late Sh. Sahab Singh was employed as Security Guard, Work Charge (Regular), who died in harness on 29.01.1999. At that time the applicant, Mr Omveer Singh, was a minor. He was eligible to apply on becoming a major in 2002. It is his contention that he applied for compassionate appointment in 2004 but did not hear from the respondents. Though he claims that he applied on 15.06.2004, however this has been disputed by the respondents. Be that as it may, it is very clear that he applied before 18.01.2010 because the letter of Deputy Director, Dwarka Division dated 18.01.2010 has been filed which speaks of the application of Mr Om Veer Singh for appointment on compassionate ground. Vide F.10(47)80 Hort.Dwarka/1578 dated 26.07.2010 from Deputy Director, Horticulture Division, Dwarka the applicant's request for compassionate appointment has been turned down due to lapse of time. The applicant again represented on 25.01.2011 and stated that he had submitted all his documents way back on 24.02.1999 and was told that his case was not being considered, because it was time barred. He reiterated the issue of financial

hardship that he and his family were undergoing.

3. However, the dates of application and rejection do not have much significance for time barring, after issuance of office memorandum of Ministry of Personnel, Public Grievance & Pension, Govt. of India OM No. F.No.14014/02/2012-Estt.(D) dated 16.01.2013. This OM now does away with the time limit and provides for decision being taken on merit in each case. Relevant paras are reproduced below:-

"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.

9. BELATED REQUESTS FOR COMPASSIONATE APPOINTMENT

(a) Ministries/Departments can consider requests for compassionate appointment even where the death or retirement on medical grounds of a Government servant took place long back, say five years or so. While considering such belated requests it should, however, be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Government servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence. Therefore, examination of such cases would call for a great deal of circumspection. The decision to make appointment on compassionate grounds in such cases may, therefore, be taken only at the level of the Secretary of the Department/Ministry concerned.

(b) Whether a request for compassionate appointment is belated or not may be decided with reference to the date of death or retirement on medical ground of a Government servant and not the age of the applicant at the time of consideration.

(c) The onus of examining the penurious condition of the dependent family will rest with the authority making compassionate appointment (Para 4 of O.M No.14014/3/2011-Estt.(D) dated 26.07.2012."

4. In light of the said OM, respondents are directed to consider the case of the applicant on merit and pass a reasoned and speaking order as per rules and law, within a period of 3 months from receipt of a certified copy of this order. OA is disposed of accordingly. No order as to costs.