

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.36375 of 2016

ORDER : (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner has assailed the order dated 23rd September 2016, passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.020/00443/2014.

2. The petitioner's father Sri V.Ramanuja Rao died on 01.04.2010 while working as Senior Hindi Translator Grade-I in the Employees Provident Fund Organisation, leaving behind his wife and two sons aged 32 and 30 years. The mother of the petitioner submitted an application to respondent No.4 on 26th May 2010, requesting for appointment to the petitioner on compassionate ground. On receipt of the application, the Enforcement Officer in the office of respondent No.5 inquired into the family conditions and reported as under :

"1. The deceased Sri V.Ramanuja Rao, Sr. Ht(Gr.I) died on 01.04.2010 and is survived by wife, Smt.V.M.V.N.Satya Kumari, 52 years, passed Intermediate, House-wife, two children Sri V.Raghunandan Kumar, son working as M.T.A. in E.P.F.O. at Hyderabad and Sri V.Kranthi Kumar, son, married, Intermediate passed, unemployed.

2. The family is residing in a small rented house and paying rent of Rs.2,800/- per month. The family informed that they own a small house, but at present not suitable for residing.

3. *The family is in debt of Rs.5,00,000/- and not in a position to clear the debt.*
4. *The monthly expenditure of family is informed to be around Rs.15,000/-.*
5. *Smt.V.M.V.N.Satya Kumari is suffering from old age ailments and monthly expenditure is expected to be above Rs.3,000/- per month.*
6. *Sri V.Kranthi Kumar is looking after a small provisions store (small shop) of their relatives. He is drawing monthly income from them Rs.2,000/-."*

3. On receipt of the above report, respondent No.4 directed the petitioner to appear before the Board of Interview on 22.12.2010 along with his original certificates. Accordingly, he appeared and thereafter informed by the 4th respondent that his case was rejected by the Committee after observing that the family is not in penury and that elder son Sri V.Raghunandan Kumar is working as Multi-Task Attendant (MTA) in the Regional Office, Hyderabad. On receipt of said order, the petitioner submitted further representation to the 2nd respondent on 04.08.2011 stating that his brother was leading a separate life along with his family and that there is no income except the family pension of his mother, which is insufficient to meet her own medical expenses. Accordingly, requested for reconsideration of his case for compassionate appointment. However, the 3rd respondent, vide proceedings dated 27.12.2013, informed the petitioner that his case was again placed before the Screening Committee in its meeting held on 19.11.2013 and was rejected on the ground that the spouse of the deceased is getting family pension and that there are no additional liabilities. Moreover, there is no

penury and financial destitution in the family. Being aggrieved, the petitioner challenged the same before the Tribunal by filing the aforesaid O.A.

4. Learned counsel appearing on behalf of the petitioner submits that the Screening Committee did not consider the report submitted by the Enforcement Officer while rejecting his case. The respondents have failed to consider the object of the scheme for compassionate appointment, which is to provide relief to the family, which is without any means of sustainable livelihood after the death of the breadwinner. He submits that the perusal of the rejection order of the respondents would disclose that the Screening Committee as well as the respondents have not considered the report of the Enforcement Officer. Learned counsel submits that the petitioner is dependent upon the deceased and consequently, the wife of the deceased is also dependent upon him.

5. It is not in dispute that the deceased-employee had served the organization upto the age of 58 years and his wife was sanctioned death benefits to the tune of Rs.10,71,436/- and that she is drawing a monthly pension of Rs.23,040/-. Moreover, both the sons including the petitioner, are married. There are no additional liabilities such as marriage or education of children. The elder son of the deceased-employee is also employed in the same organization. The only ground advanced by the learned counsel for petitioner is that the report of the Enforcement Officer, which had pointed out the liabilities, debt burden and meager

monthly income earned by the petitioner, has been ignored by the Committee.

6. The Screening Committee has given reasons for rejecting the petitioner's case by pointing out that the elder son of the deceased-employee is already employed; the spouse of the deceased is getting family pension of Rs.23,040/- and there are no other liabilities upon the family. Thus, the family cannot be considered as destitute family.

7. We have perused the report submitted by the Enforcement Officer, who recorded whatever the information given by the petitioner's family. The petitioner has not furnished any proof regarding paying rent of Rs.2,800/- per month and also no proof that they are in debt of Rs.5,00,000/- and are not in a position to clear the said debt. It is not in dispute that the wife of the deceased is getting Rs.23,040/- per month as family pension, and in addition to above, she received death-cum-retiral benefits to the tune of Rs.10,71,436/-. Admittedly, the petitioner's family owns a small house to live-in.

8. The object of the scheme of compassionate appointment is to provide immediate relief to the family of the deceased-employee. It cannot be taken as a matter of vested right as held by the Supreme Court in *Umesh Kumar Nagpal v. State of Haryana & others*¹. Para 2 of the said judgment reads as under :

“.....The whole object of granting compassionate employment is thus to enable the family to tide over the

¹ [1994 (4) SCC 138]

sudden crises. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family.”

9. In the present case, the respondents have examined the financial condition of the family of the deceased-employee and held that in view of the monthly family pension sanctioned to the spouse, the family is not in destitution.

10. Finding no illegality or perversity in the order passed by the Tribunal, we hereby confirm the same.

11. The writ petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

24th January, 2018

ajr