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W.P.No.5 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 16.02.2024**

**CORAM :**

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR  
and  
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.P.No.5 of 2024  
and W.M.P.No.3 of 2024**

J.Soosaiammal

... Petitioner

-Vs-

1.The Union of India

Rep.by the Principal Accountant General  
Audit-I, "Lekha Pariksha Bhavan"  
361, Anna Salai, Teynampet  
Chennai - 600 018.

2.Senior Deputy Accountant General (Audit)

O/o Principal Accountant General (Audit-I)  
361, Anna Salai, Teynampet, Chennai - 600 018.

... Respondents

**Prayer :** Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in connection with the order of the Central Administrative Tribunal, Chennai Bench dated 18.04.2023 in O.A.No.883 of 2022 and quash the same and consequently direct the respondents to grant appointment to the petitioners son on compassionate grounds.

For Petitioner : Mr.P.Arumugavel

For Respondents : Mr.V.Vijay Shankar



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## **ORDER**

(Order of the Court was made by **R.SURESH KUMAR, J.**)

The petitioner's husband one Joseph Inbaraj was working as Supervisor in the office of the first respondent, who died in harness on 29.09.2017, leaving his wife ie., the petitioner, his aged mother, unmarried daughter and son. Therefore, on compassionate ground appointment was sought for the son J.Tony Vedamuthu who was 20 years and was studying second year B.A.Degree then.

2. The Departmental Selection Committee met on 30.06.2018 to consider the applications in the office of the first respondent and on consideration of the facts, the Committee was of the view that the family of the deceased was not in penurious circumstances and thus it does not deserve consideration and appointment on compassionate ground and therefore did not recommend for appointment.

3. Once again the petitioner made a representation on 22.09.2021 that her son Vedamuthu has completed the B.A.Degree and due to COVID situation, he was unable to secure a job and that the family is still under penurious circumstances and therefore the request of the petitioner / applicant for getting appointment on compassionate ground to her son is to be considered.

4. The said request since has been turned down by the order of the second respondent dated 20.06.2018 and therefore, challenging the same the petitioner



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filed O.A.No.883 of 2022 before the Central Administrative Tribunal (CAT), Chennai Bench. The Tribunal by order dated 18.04.2023 has dismissed the said O.A., against which the present writ petition has been filed.

5. Heard Mr.P.Arumugavel learned Counsel for the petitioner and Mr.V.Vijay Shankar, learned Standing Counsel for the respondents.

6. Learned Standing Counsel appearing for the respondent Department has contended that, insofar as the appointment of compassionate ground is concerned, it is under a Scheme dated 02.08.2022 called Scheme for Compassionate Appointment under Central Government.

7. Under the Scheme, various aspects have to be considered under Clause 19(c), which reads thus,

*" (c) The Scheme of Compassionate Appointments was conceived as far back as 1958. Since then a number of welfare measures have been introduced by the Government which have made a significant difference in the financial position of the families of the Government servants dying in harness / retired on medical grounds. An application for compassionate appointment should, however, not be rejected merely on the ground that the family of the Government servant has received the benefits under the various welfare schemes. While considering a request for*



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*appointment on compassionate ground a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities (including the benefits received under the various welfare schemes mentioned above) and all other relevant factors such as the presence of an earning member, size of the family, ages of the children and the essential needs of the family etc.,"*

8. For each and every aspect as has been mentioned in the Scheme marks would be awarded by the Evaluation Committee before whom the Department has placed a note based on the family circumstances of the applicant and accordingly the Evaluation Committee put marks as 95/165 for the petitioner's son / applicant and based on the said marks since the applicant has not reached the zone of consideration for appointment under compassionate ground, his case was rejected.

9. Learned Standing Counsel appearing for the petitioner / applicant has relied upon the note to Departmental Screening Committee for considering the appointment, where the Department has categorically asserted that the applicant has been residing in a rented house, none in the family is working and the family consisted of the widow of the deceased, one daughter and the aged mother of 87 years old, except the retirement-cum-death benefits of the deceased employee, no other money has come to the family and except the family pension the family did not have any source of income. This has been clearly certified by the Department while preparing the note to the Screening Committee.



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10. However, the Screening Committee without having considered these aspects in proper perspective, has rejected the same. Therefore, the learned counsel for the petitioner would contend that the reasoning given by the Tribunal to reach such a conclusion to reject the application submitted by the petitioner through the impugned order cannot be countenanced for any good reason and therefore the same is liable to be interfered with.

11. We have considered the submissions made by the learned counsel for both sides and have gone through the materials placed on record.

12. As has been rightly pointed out by the learned counsel for the petitioner, the Scheme for Compassionate Appointment as envisaged under the Scheme dated 02.08.2022 for Central Government Employees are concerned, especially under Clause 19 it has been made clear that an application for compassionate appointment cannot be rejected merely on the ground that the Government Servant has received the benefits under various welfare schemes. It has further been stated that, while considering a request for appointment on compassionate ground a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities including the benefits received under the various welfare schemes and all other relevant factors such as the presence of an earning member, size of the family, ages of the children and the essential needs of the family etc.,



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13. If the above principle is applied to the present case, the family of the petitioner consisting of a widow, son, daughter and mother of the deceased employee, where, the mother of the deceased employee is 87 years old and therefore, she needs medical care, the two children are aged 22 and 20 years and are unemployed and the wife of the deceased aged 45 years is also unemployed. Therefore, there is no earning member in the family. There are no movable or immovable properties available for the family of the applicant. These details have been provided in the note submitted by the Department to the Screening Committee itself.

14. The Department note has further stated that the family is residing in rented house at H/5, Police Quarters, Mandela Nagar, Madurai and their only source of income is family pension and the family has not acquired any movable or immovable property in the name of the dependants. At the time of consideration of the application, the son/applicant was 19 years 11 months old and he was studying in B.A. English 2nd year at a College in Trichy. This has been considered by the Screening Committee and they have given the reasons, which reads thus:

*" 2. Shri J.Tony Vedamuthu, S/o (Late) Shri V.Joseph Inbaraj, Supervisor, O/o PAG (G&SSA), Tamilnadu and Puducherry.*

*Shri V.Joseph (DOB: 13.04.1960) Supervisot, O/o PAG (G&SSA), TN and Puducherry expired on 29.09.2017 leaving*



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*behind his wife, mother, unmarried daughter and son. The appointment is sought for his son Shri.J.Tony Vedamuthu, who is a 20 years old and is studying IInd year B.A.*

*The family is being paid an enhanced Family Pension of Rs.37,150/-, Terminal benefits (CGEGIS + EL Encashment + DCRG) of Rs.28,00,532/- was sanctioned to the family. The family has received an amount of Rs.2,08,055/- from GPF. The Committee was informed that out of the above amount received by the family, Rs.15.00 Lakhs has been utilised to settle loans received from relatives/friends and an amount of Rs.15.00 lakhs has been deposited in Postal Savings Scheme. The family has liabilities to the tune of Rs.8.51 Lakhs in the form of Loans to be repaid.*

*The primary factor to be considered for recommending appointment on compassionate grounds is that the family is indigent and deserves assistance for relief from financial destitution. Considering the facts put forth by the applicant, the Committee is of the view that the family of the deceased is not in penury and thus does not deserve consideration for appointment on compassionate grounds. Hence, the candidate is not recommended for appointment on compassionate grounds."*

15. The Committee has considered the enhanced family pension of Rs.37,150/- per month, terminal benefits etc., The Committee also has considered only the family pension and not any other aspects under which the family was in penurious circumstances. Though the Committee has taken note of the liabilities of the family to the tune of Rs.8.5 lakhs in the form of loan, which has been repaid still



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the Committee has not recommended for compassionate appointment to the petitioner's son.

16. On evaluating the said report submitted by the Screening Committee, it is seen that the Committee has absolutely not considered the actual family circumstances of the applicant / petitioner and that has been reflected in the very note submitted by the Department itself, where everything has been made clear. Despite that, the Screening Committee, on what basis has come to the conclusion that the family of the petitioner/applicant is not in penurious circumstances and therefore has not recommended for compassionate appointment, is not known.

17. No doubt, compassionate appointment is only to bail out the family which is under sudden penurious circumstances because of the death of the head of the family or earning member. Here, the circumstances which were prevailing at the time when the employee who died were that, the family consisted of wife, mother and two children. The children though become major, are aged about 20 and 22 years and unemployed. The mother was 87 years old and the widow of the deceased employee, though was 45 years old, was also not an earning member.

18. Therefore, the only source being the family pension cannot be considered to be a circumstance under which the family is considered not under penurious circumstances. It is absolutely not an objective criteria to be followed by the



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Committee as has been stated in Paragraph 19(c) of the Scheme. With regard to the size of the family is concerned, four members as stated supra are the family members. The ages of the children are 20 and 22 respectively, but without employment. The needs of the family such as daughter's marriage has to be performed, aged mother has to be taken care of and the family consisting of four members has to run. Therefore, these are all the circumstances which ought to have been considered by the Screening Committee. However, the Screening Committee, taking only the family pension of the widow of the deceased, could not have come to a conclusion that the family is not under penurious circumstances.

19. The said assessment of factual aspects is liable to be rejected because the factors which ought to have been considered, have not been considered by the Screening Committee within the meaning of the Scheme especially under Clause 19(c) of the Scheme as stated supra. However, these aspects have not been considered by the Tribunal in the impugned order in proper perspective. Therefore, the conclusion reached by the Tribunal in rejecting the application filed by the petitioner herein to seek for compassionate appointment for her son is also erroneous. Hence, it is liable to be interfered with.

20. Resultantly, the following orders are passed in this writ petition:



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- That the impugned order passed by the Central Administrative Tribunal dated 18.04.2023 in O.A.No.883 of 2022 is hereby set aside.
- As a sequel, there shall be a direction to the respondent Department to re-consider the application submitted by the petitioner seeking compassionate appointment viz., Tony Vedamuthu based on the aforesaid factual matrix discussed herein above and accordingly pass necessary orders to that effect within a period of eight weeks from the date of a copy of this order.

With the above directions, the writ petition is disposed of. No costs.  
Consequently, connected miscellaneous petition is closed.

**(R.S.K.,J.) (K.B.,J.)**  
**16.02.2024**

Index : Yes  
Internet : Yes  
Neutral Citation : Yes  
KST

To

- 1.The Principal Accountant General  
Audit-I, "Lekha Pariksha Bhavan"  
361, Anna Salai, Teynampet  
Chennai - 600 018.
- 2.Senior Deputy Accountant General (Audit)  
O/o Principal Accountant General (Audit-I)  
361, Anna Salai, Teynampet, Chennai - 600 018.



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**R.SURESH KUMAR, J.**  
**and**  
**K.KUMARESH BABU, J.**

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