



सत्यमेव जयते

न्यायालय मुख्य आयुक्त निःशक्तजन  
Court of Chief Commissioner for Persons with Disabilities  
सामाजिक न्याय एवं अधिकारिता मंत्रालय  
Ministry of Social Justice & Empowerment  
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No.257/1028/11-12

Dated:- 20-01-2014

**In the matter of:**

Smt. Shanti Devi,  
Wife of Shri Babu Lal Singh,  
A-248, Gali No. 10,  
Som Bazar Road,  
Madhu Vihar,  
Dwarka,  
Delhi-110059.

..... Complainant

Versus

Ministry of Industry,  
(Through Secretary),  
Udyog Bhawan,  
Rafi Marg,  
New Delhi-110001.

..... Respondent

**Date of hearing : 19.12.2013**

**Present :**

1. Sm. Shanti Devi complainant alongwith his son Shri Prahasta Kumar.
2. Shri Yogesh Kumar Meena, Dy. C.A. & Smt. Geetha Lakshmi Nayar, AAO on behalf of the respondent.

**ORDER**

The above named complainant, wife of Shri Babu Lal Singh, Ex Controller of Accounts, a person with 75% locomotor disability, filed a complaint dated 'Nil' received in this Court on 14.10.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding job for his son on compassionate ground.

2. The complainant submitted that it was assured by the senior officers that her son shall be granted a job in lieu of her husband's disability on compassionate grounds if he retires prematurely. The relevant documents were submitted on 18.05.2009 for review and approval of concerned officials but nothing happened. Her son was offered a contractual position and was assured that in due course of time all formalities shall be completed and he shall be provided permanent employment on

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compassionate grounds. Two years passed but nothing was informed in the matter. She has requested this Court to kindly help her in getting the exact status of her application to the concerned authorities regarding employment of her son on compassionate grounds.

3. The matter was taken up with the Joint Secretary (Admn.), Ministry of Industry, Udyog Bhawan, New Delhi vide this Court's letter dated 24.01.2012.

4. Senior Accounts Officer (Admn.), Principal Accounts Office, Ministry of Industry, New Delhi vide letter No. Pr.AO/1-4/Comp.Apptt/11-12/Admn./5281-82 dated 13.02.2012, inter-alia, submitted that an application was received from Shri Babu Lal Singh, CA (retired) for appointment of his son, Shri Prahasta Kumar, in this Ministry on compassionate ground. Details regarding the assets and liabilities were also submitted alongwith the application. The case was initially processed and proposal for constitution of Screening Committee was proposed for reviewing the suitability of appointment of his son in this Ministry. However, as per DoP&T O.M. No.14014/6/94-Estt(D) dated 09.10.1998, the scheme for compassionate appointment is applicable to dependent family member of a Government servant who (1) is retired on medical grounds under Rule 2 of the CCA(Medical Examination) Rules, 1957 or corresponding provision in the CCS Regulations before attaining the age of 55 years, or; (2) is retired on medical grounds under Rule 38 of the CCS (Pension) Rules, 1972 or the corresponding provision in the CCS Regulations before attaining the age of 55 year.

5. It was further submitted that Shri Babu Lal Singh had retired voluntarily with effect from 31.05.2009 under Rule 48(1) of CCS (Pension) Rules before two months of attaining the age of superannuation and not under Rule 38 of CCS (Pension) Rules on account of any bodily or mental infirmity which permanently incapacitates him for the service and there is no provision for appointment of dependent family members on compassionate ground under Voluntary Retirement Scheme (VRS). Therefore, the case for appointment of Shri Prahasta Kumar on compassionate ground was not processed further. Further, Shri Babu Lal Singh was not asked to resign by this office and no assurance was given by this office for appointment of his son on compassionate ground. The same was already intimated to Shri Babu Lal Singh vide their office letter dated 22.11.2011 and again vide letter dated 02.12.2011 in reply to RTI application filed by his wife, Smt. Shanti Devi. Moreover the pay of her husband, Shri Babu Lal Singh was not blocked by their office as alleged by him in his representation. He was rather sanctioned spell of leave from the date of his illness till the date of his retirement on VRS.

6. Copy of the respondent's reply dated 13.02.2012 was sent to the complainant vide letter of even number dated 10.10.2013 for submission of her comments/rejoinder.

7. The complainant in her rejoinder dated 22.10.2013 submitted her comments. She submitted a representation stating the chain of events that occurred during the last eight years. In response to the respondent's letter dated 13.02.2012, she stated that her husband's retirement was declared as voluntary w.e.f. 31.05.2009. She further submitted that there were willful suppression of facts by the Department and she was also misguided on the same. Her husband suffered disability during

discharge of official duties and, therefore, his case was to be considered on medical ground and not on the ground of voluntary retirement. She submitted that the department is aware of medical condition since 2006 and since then it has been denying the benefits which he ought to have received as a disabled person. Initially her husband had applied for retirement on medical grounds and had also applied for extraordinary pension on medical grounds. A detailed letter to his department stating his disability and medical condition along with all relevant documents was submitted on 13.05.2009 in which he had clearly stated the grounds of his retirement. A copy of which was also enclosed by her alongwith her letter dated 22.10.2013. He was not given the benefits of a disabled person on voluntary retirement in spite of his department knowing about it. Further, he was assured verbally only that the employment of his son would be considered after his retirement. He was not treated fairly by his department and he was denied all the benefits for extraordinary pension. Had his proposal for retirement been considered on the medical ground, his son would have been considered for the job on compassionate ground. His medical condition was not at all considered at the time of appointment of his son and hence this was a willful discrimination against him. The Screening Committee did not inform him regarding the existing laws and provisions of DoP&T at the time when he had applied for his son's job on compassionate ground. He was neither given a fair chance to represent his case in front of the Screening Committee. The complainant prayed to direct the concerned officials of the establishment to reconsider the case and also to assist her in availing the extraordinary pension.

8. After considering the respondent's reply dated 13.02.2012 and complainant's letter dated 22.10.2013, the case was scheduled for hearing on 19.12.2013.

9. On the date of hearing, amplifying her written submissions, the complainant contended that the respondent, namely, Ministry fo Industry had verbally assured that Shri Babu Lal Singh's son would be appointed on compassionate ground if he (Shri Babu Lal Singh) goes on voluntary retirement. This explains why the complainant's husband, Shri Babu Lal Singh went on voluntary retirement barely two months ahead of his actual date of retirement/superannuation, the complainant added. The complainant also resented the delay on the part of the respondent as the respondent took two years or so in responding to the application of her son for appointment on compassionate ground. She further stated that this undue and unreasonable delay caused enormous loss to the complainant's family as the complainant's son did not look for any other employment believing the assurance of the respondents to appoint him on compassionate ground.

10. Sticking to their stand as envisaged in the written submissions, the respondent asserted that there was no violation of any extant norms/rules, much less so, of disability related norms/rules. The respondent also pointed out that the complainant's husband went on voluntary retirement at the age of 59 plus under Rule 48 of the CCS Pension Rules, and not under Rule 38 of the said Rules which pertains to retirement on medical ground.

11. After considering all aspects of the matter, this Court is convinced that there does not appear to be any violation of any existing norms/rules on the part of the respondent. This is why this Court is not in a position to pass any direction to the respondent in respect of the matter. However, the

respondent is free to consider granting any appropriate relief to the complainant and her family including considering appointment of any member of her family on compassionate ground or on contractual basis subject to existing norms/rules etc.

12. The matter is disposed off accordingly.

Sd/-

**( P. K. Pincha )**  
Chief Commissioner  
for Persons with Disabilities