

In the Court of Commissioner for Persons with Disabilities
25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
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[Vested with power of Civil Court under the Persons with Disability (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995]

Case No. 4/803/2014-Wel./CD/1987-88

Dated: 11.12.14

In the matter of :

Smt. Anita Devi
W/o Lt. Sh.Satyawan
Village Kair Post Office Kair
New Delhi-110043.

..... Petitioner

Versus

Sh.Radha Krishan
Director (Personnel)
Central Establishment Department
South Delhi Municipal Corporation
22nd Floor, Dr.S.P.M Civic Centre
New Delhi-110002

.....Respondent

ORDER

1. A representation was filed by Ms.Anita Devi a disabled person stating that her husband who worked as LDC in Horticulture Department of South Delhi Municipal Corporation died on 14.11.2004 and that she was appointed as Peon on contractual basis on 23.08.2009 and now on 23.8.14 her services were terminated on the ground that her contract had expired. It was requested by the petitioner that she was in dire need of employment as otherwise she cannot support her family and prayed that Commissioner South Delhi Municipal Corporation may be directed to restore her employment.
2. A hearing was fixed and during the course of hearing a reply was filed. The facts of the case are that Sh.Satyawan working as LDC expired on 14.11.2004 and after his death his wife Smt.Anita Devi was appointed as Peon on contract basis 18.08.2009. Meanwhile the process for appointing her on the post of Peon on compassionate ground was initiated and as per the minutes of the relevant Committee it was found that the deceased left behind his wife and three minor sons. The family has its own house of 25 sq. yards to live in and there is no earning member in the family. The financial condition of the family is poor and that her case was required to be considered however due to shortage of vacancies the

case could not be considered. The meetings of the Committee were held on 10.4.2006, 20.4.2007 and 24.6.2008 and because there were no vacancies she could not be offered any appointment on compassionate ground and the case was closed as per the instructions of Government of India.

3. I have gone through the representation of the petitioner and the reply filed by the Assistant Commissioner Central Establishment Department of South Delhi Municipal Corporation. The instructions of the Government of India for the Scheme for Compassionate Appointment are that **Quote** "Para 7 (a). Appointment on compassionate grounds should be made only on regular basis and that too only if regular vacancies meant for that purpose are available and (e). While the ceiling of 5% for making compassionate appointment against regular vacancies should not be circumvented by making appointment of dependent family member of Government servant on casual/daily wage/adhoc/contract basis against regular vacancies there is no bar to considering him for such appointment if he is eligible as per the normal rules/orders governing such appointments." **Unquote**. The case of Smt. Anita Devi was required to be considered favourably as she is a disabled person with minor children with no other source of earning from anywhere. The petitioner was appointed on contract basis only to circumvent her appointment on compassionate basis against regular vacancies which is violation of the instructions of the Government of India issued vide OM No.14014/6/94-Estt. (D) dated 9.10.1998 as quoted above. The petitioner is required to be given priority in the matter of appointment under the category of compassionate appointment. The argument that her case could not be considered due to non availability of vacancies does not augur well with the provisions of Persons with Disabilities as the cases of such persons are required to be considered favourably and on priority.

4. Ordered accordingly.

Given under my hand and the seal of the Court this 11th day of December, 2014.




(K.S. Mehra)
Commissioner

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
20-D, Mata Sundari Road, New Delhi-02