

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1290/2002

Hon'ble Shri Shanker Raju, Member(J)

Tuesday, this the 21st day of May, 2002

Chaman Lal
s/o (Late) Sh. Gopi Chand
r/o 1/126, Press Colony
Mayapuri
New Delhi - 110 064. Applicant

(By Advocate: Shri M. Atiyab Siddiqui)

Vs.

1. The Union of India
through the Secretary
Ministry of Urban Development
and Poverty Alleviation
(Directorate of Printing)
'B' Wing, Nirman Bhawan
New Delhi.
2. The Directorate of Printing (AIID)
through the Deputy Director
Ministry of Urban Development
and Poverty Alleviation
'B' Wing, Nirman Bhawan
New Delhi.
3. The Assistant Manager
(ALMN)
Directorate of Printing
Government of India Press
Ring Road
Mayapuri
New Delhi - 110 064. Respondents

O R D E R

By Shanker Raju, M(J):
Heard the learned counsel Shri M. Atiyab
Siddiqui for admission.

2. Applicant impugns respondents' order dated
6.2.2002 whereby his request for compassionate
appointment was rejected.

3. Father of the applicant employed as Binder
with the respondents died in harness on 2.10.1999.
The family consisted of Widow, three sons and three
daughters. Two daughters have been married and two.

sons have been living separately. Unmarried daughter is a graduate. On the request of the widow for compassionate appointment to his son, the same was rejected by the respondents' letter dated 3.10.2001. Again a representation was made which met the same fate, giving rise to the present OA.

4. Learned counsel has stated that the rejection of his request is based on surmises and conjectures as there has been an observation that the family has been managing with some resources which have not been reflected in the report. The criteria adopted by the respondents to deny compassionate appointment to those whose earnings are below Rs.1767/- for a family of five is arbitrary. It is stated that mere payment of gratuity and family pension is not a valid criteria for according compassionate appointment. It is stated that the respondents have not objectively assessed the financial conditions of the family. It is also stated that as the applicant has National Apprenticeship Certificate in the field of Book Binding, is eligible for being offered the post on compassionate basis. The family has been left in penury without any means of livelihood. The financial condition of the family is also pathetic as the deceased servant was suffering from a serious disease and the entire amount had been incurred on his treatment. Mere grant of terminal benefits would not be sufficient to show that the compassionate appointment is not possible in this case.

5. I have carefully considered the contentions of the learned counsel. In my considered view, compassionate appointment cannot be claimed as a

matter of right or be adopted as circuitous route to enter in Government service. The DoPT issued an OM dated 9.10.1998 which envisages applicant's objective assessment of the financial condition of the family and other factors including size of the family, age of the children and only destitute family and in immediate financial help is to be accorded a compassionate appointment. Keeping in view the fact that the family had received Rs.2,84,733/- as terminal benefits and is getting family pension of Rs.2450/- plus DA whereas the liability is of unmarried daughter who is graduate. As two sons are living separately and two daughters have been married, I do not find any reasons to take a *prima facie* view that the family of the applicant is in dire need of financial help and is indigent.

6. I also do not find any infirmity in the orders passed by the respondents. The case of the applicant was considered in accordance with the guide-lines. Mere mention of managing the family through some resources would not indicate any malafide or arbitrariness in the action of the respondents.

7. The Apex Court in several pronouncements, including of Umesh Kumar Nagpal Vs. State of Haryana, JT 1994(3) SC 525 has clearly laid down that mere death of an employee in harness does not entitle his dependents to a job. The financial condition of the family must be taken into account and the appointment on compassionate ground cannot be offered as a matter of course. Recently Apex Court in State of Haryana State Electricity Board Vs. Krishna Devi, JT 2002(3) SC 485 observed as follows:

"It is well-settled that employment on compassionate ground is given only on pure humanitarian consideration and no appointment can be claimed as a matter of right. The main object was to provide immediate financial help to the family of the deceased employee. It is also well-settled that employment under compassionate ground cannot be made in absence of rules or instructions issued by the government or any public authority."

8. If one has regard to the aforesaid rulings, I do not find any infirmity in the orders passed by the respondents, the case of the applicant was duly considered by the respondents.

9. In the result, no prima-facie case could be made out by the applicant for my interference; the OA is dismissed in limine at the admission stage itself. No costs.

S. Raju

(Shanker Raju)
Member(J)

/rao/