

Central Administrative Tribunal
Principal Bench

O.A.No.2341/2002

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 27th day of June, 2003

- 1. Smt. Kamla Devi
widow of late Shri Yudesotra
Ex. Machine Attendant
Govt. of India Press
Aligarh (UP).
c/o Sh. Onkar Nath Sharma
Yard-Master, Mor-Sarai Railway Colony
Near Korla Pul, DELHI..
- 2. Kunwar Pal
s/o Late Shri Yudesotra
Ex. Machine Attendant
Govt. of India Press
Aligarh (UP).
c/o Sh. Onkar Nath Sharma
Yard-Master, Mor-Sarai Railway Colony
Near Korla Pul, DELHI. ... Applicants

(By Advocate: Sh. D.N.Sharma)

Vs.

- 1. Union of India through
The Secretary to the
Govt. of India
Ministry of Urban Development
Nirman Bhawan
New Delhi.
- 2. The Director of Printing
Government of India
'B' Wing, Nirman Bhawan
New Delhi.
- 3. The Manager
Government of India Press
Aligarh (UP). ... Respondents

(By Advocate: Sh. B.K.Berera)

O R D E R(Oral)

By Shri Shanker Raju, M(J):

Impugned order assailed, in this OA, is respondents' letter dated 21.2.2002 rejecting the request of applicants for compassionate appointment.

2. Applicant No.1 is a widow of deceased Government servant, who died in harness on 4.5.2000, leaving the family members consisting of two sons and three daughters. The family had received terminal

benefits at the tune of Rs.2,31,458/- and a family pension of Rs.1900/- plus DA. The family also owns an immovable property measuring 60 Sqr. yards. The elder daughter has married and elder son has also married.

3. After meticulously examined the case of applicants from all angles as per the Scheme of compassionate appointment, promulgated by DoPT, the case of applicants was not found amenable and within the ambit of a Scheme for accord of compassionate appointment, rejecting the same through impugned order, giving rise to the present OA.

4. Shri D.N.Sharma, learned counsel appearing on behalf of applicants, contends that in the light of the decision of Apex Court in Balbir Kaur v. Steel Authority of India Ltd., 2000 SCC(L&S) 767, wherein it has been held that terminal benefits should not be the lone criteria to deny compassionate appointment. In this conspectus, it is stated that family is in financial destitution and keeping in view of the dependency, the same is indigent, to be accorded compassionate appointment which was arbitrarily rejected by the respondents.

5. On the other hand, Shri B.K.Berera, learned counsel for respondents vehemently opposed and stated that in the light of below the figure of Rs.1767/- for a family members of five as poverty line arrived at by the Planning Commission, keeping in view that the family received terminal benefits and in receipt of a family pension of Rs.1900 plus D.A. and

owns immovable property in the form of an old house, applicants' case was not found as deserving, keeping in view of the limited vacancies under 5% direct recruitment quota, accordingly case was rejected, as such this has not suffered from any legal infirmity.

6. I have carefully considered the rival contentions of the parties and perused the material on record. The decision of the Apex Court in Balbir Kaur's case supra is distinguishable as therein in the light of Family Benefits Scheme, whereby the gratuity amounts was to be deposited, the terminal benefits have been found not to be the sole criteria whereas as per the DoPT's Scheme of 1998, and Office Memorandum dated 22.6.2001, on account of Planning Commission's figure of Rs.1767/-, the case of applicant was meticulously examined taking into account all the factors, assets and liabilities of the members of the deceased family and was not found deserving as compared to other cases, and as the compassionate appointment cannot be claimed as a right and is only restricted to 5% of the quota under direct recruitment.

7. Having regard to the fact that the case of Applicant No.2 has not come within the ambit of the Scheme ibid, his rejection does not suffer from any legal infirmity. Accordingly, the OA is bereft of merit and is dismissed. No costs.

S. Raju
(Shanker Raju)
Member(J)