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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2055/2002

This the 23rd day of July, 2003

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HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sunita
D/o Late Sh. Rampal aged about 22 years,
R/o H.No.6, Moti Bagh,
Nanak Pura, New Delhi.
(By Advocate: Sh. Rajeev Kumar)

Versus

1. Union of India
Through its Secretary,
Ministry of Housing and Urban Development,
Nirman Bhawan, New Delhi.
2. Chief Engineer,
Electricity-II, C.P.W.D.,
Vidyut Bhawan, New Delhi.
3. Executive Engineer (Planning & Administration),
Delhi Central Electricity Parisar,
C.P.W.D., I.P.Bhawan,
New Delhi.

(By Advocate: Sh. R.N.Singh)

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Applicant is the daughter of late Sh. Rampal who was working under the respondents and had expired on 8.5.97 while in harness.

2. It is submitted that the deceased has left behind the family consisting of one son who is living separately, two daughters who are married and living separately, a widow and applicant who is still unmarried. Applicant applied for grant of appointment on compassionate grounds as it is submitted that after the death of her father, their family is left in a penury condition and they are not able to support the family and there is no one to look after the family. Application of the applicant for grant of compassionate appointment has been rejected vide Annexure A-1 wherein it is mentioned that the department had considered the application and had given a sympathetic consideration. But keeping in view the economic

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condition, i.e., the income of the family, and that the applicant is also of a marriageable age, so after her marriage family consist of only a widow who is receiving family pension. Thus, no case for compassionate appointment was recommended by the committee to consider the case of the applicant.

3. Applicant challenged the same on the grounds that the plea of the department, that after the marriage of the applicant, the widow would have no liability, has no legs to stand as per OM governing the compassionate appointments as it does not debar to give compassionate appointment to unmarried daughter. Rather it is insisted that family is still in financial crisis and in indigent condition, so case of the applicant should be considered.

4. On the contrary, the respondents pleaded that after the death of the deceased Govt. employee applicant's mother had been paid retiral benefits to the tune of Rs.3,01,456/-. Besides that applicant's mother is getting family pension @ rs.2,295/- p.m. It is submitted that the economic condition of the family is such that they are not in financial crisis and they can make out their both ends meet from the income which they are getting from the pension and retiral benefits.

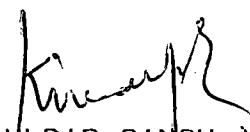
5. Respondents also submitted that as per the office memorandum of Govt. of India, the Planning Commission had defined the poverty line for a family of five members, if the income is below Rs.1765.20, then the family can be said to be below poverty line. It is only in those conditions the candidate should be immediately appointed on compassionate grounds under the sealing of 5% of quota. Since in this case applicant's mother is getting family pension of Rs.2,295/- and

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the family members as per the OA itself are only two, it would be said that the family is not in a penury condition nor it shows that there is financial crisis. So OA should be dismissed.

6. I have considered the rival contentions. In this case the deceased Govt. employee is stated to have expired some time in the year 1997. More than 5 years have already passed and it does not appear that the condition of the family is such that they could not come out of the financial crisis. The department after taking into consideration the poverty line as defined by the Planning Commission has also found that the case of the applicant is not such a deserving case that the applicant should be given appointment on compassionate grounds. I am also of the view that the income of Rs.2295/- plus income from other retiral benefits received by the family of the applicant can be said to be sufficient for family of two members. The petitioner cannot be said to be in an indigent condition for grant of compassionate appointment. So I find that OA has no merits. No interference is called for. Accordingly, OA is dismissed.


(KULDIP SINGH)
Member (J)

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