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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.No.1531/2002

Wednesday, this the 9th day of July, 2003

Hon'ble Shri Govindan S. Tampi, Member (A)

Bahadur Singh son of late H.C. Resham Singh  
No.687 PCR  
r/o Village and PO Pinjora, Tehsil Garhshankar  
District Hoshiarpur

..Applicant.

(None for applicant)

Versus

1. Union of Territory of Delhi through  
the Secretary to Govt. of India,  
Home Department, Delhi
2. The Commissioner of Police, Delhi
3. The Dy. Commissioner of Police  
Police Headquarters (P)  
Delhi
4. The Dy. Commissioner of Police  
Police Control Room,  
Delhi

..Respondents

(By Advocate: Shri George Paracken)

O R D E R (ORAL)

None present for the applicant. None was present during the last hearing as well. I am, therefore, proceeding to dispose of the OA after hearing Shri George Paracken, learned counsel for respondents, *in terms of Rule 15 of the CAT (Procedure) Rules.*

2. The applicant, s/o of Late H.C. Resham Singh, who died in harness while working with Delhi Police, on 2.12.1997, applied for compassionate appointment, which was rejected by the Police Headquarters after consideration of the case as well as the directions of the Hon'ble Supreme Court in the case of Umesh Kumar Sehgal Versus State of Haryana on 21.4.1999. Application in this regard was filed by the applicant's mother on 5.3.1997, after he cleared Sr.

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Secondary Examination. He was advised to apply once again after he became 18 by the Police Headquarters. All the necessary particulars were collected by the respondents. The legal notice served on the respondents evoked the reply on 23.5.2001 that the matter has been already considered and rejected on 21.4.1999. Grounds raised in the OA are that the impugned order was non-speaking in nature, not explaining as to how the applicant could not be appointed and not disclosing any reason. Further, according to him, the case of Umesh Kumar Nagpal relied upon by the respondents would not be applicable in his case. He, therefore, sought Tribunal's intervention in the matter.

3. Replying on behalf of the respondents, Shri George Paracken argues that the applicant's case was considered by the Screening Committee chaired by the Commissioner of Police. It was observed by the Committee that out of five sons of the deceased employee, three were already settled. Applicant's mother was recipient of pensionary benefits of Rs.2,73,983/- with monthly pension of Rs.1898/- plus DA. They also had a house. Keeping the facts of their assets, size of the family, age of the deceased employee when he passed away, in mind along with the instructions on the subject as well as the observations of the Apex Court in Umesh Nagpal's case, the applicant's case was found to be less deserving than others. His case was, therefore, rejected and he was accordingly informed. Applicant's further letter and legal notice were similarly turned down. Shri Paracken pointed out that the respondents have acted correctly and nothing further was expected of them.

4. On consideration of the matter, I am convinced that the applicant has no case. Compassionate appointment is not a matter of right but a welfare measure adopted by the Govt. to provide succour to the dependants of a Govt. employee, placed in indigent circumstances, by the sudden passing away of the bread winner. This is also subject to other conditions, availability of vacancies and the comparative financial position of various candidates and the need of the family. In this case, it is found that all the points have been considered by a high level Screening committee, chaired by the Commissioner of Police. As the requisite proceedings have been gone through it is not for the Tribunal to substitute its judgement for that of the Screening Committee. Once it is found that the case of the applicant has been considered, in accordance with the requisite procedure, nothing further can be ordered by the Tribunal. Right of the applicant was only for consideration by the respondents and the same has been done. Nothing further remains to be done.

5. The applicant has not made out any convincing case for Tribunal's interference. OA being devoid of any merit fails and is accordingly dismissed. No cost.

(Govindan S. Tampi)  
Member (A)

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