

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1037/2001

New Delhi, this the 7th day of January, 2002

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

Shri Neeraj Yadav,
S/o Shri B.P. Yadav,
R/o H.No. 2/116 Gharami Mandi,
Gurudwara Road,
Saharanpur - 247001 (U.P.)

...Applicant

(By Advocate Ms. Meenakshi Singh, proxy counsel
for Ms. Rani Chhabra)

V E R S U S

UNION OF INDIA : THROUGH

1. The Secretary
Ministry of Communications,
Dept. of Telecommunications,
Sanchar Bhawan,
New Delhi.
2. Chief General Manager,
Telecom West,
Telecom Circle,
Windlass Coomplex,
Rajpur Road,
Dehradun.
3. General Manager,
Department of Telecom,
District Saharanpur U.P.
4. Assistant Director Telecom (Administration),
O/o General Manager,
Department of Telecom,
Saharanpur.
5. Sub Divisional Engineer,
Trunk Telex,
Department of Telecom,
Saharanpur - 247001.

...Respondents

(By Advocate Shri Rajiv Sharma, proxy
counsel for Shri M.M.Sudan)

O R D E R (ORAL)

By Hon'ble Shri Govindan S.Tampi,

In this case, the applicant seeks directions to the respondents to consider his case for appointment on compassionate grounds in place of his deceased mother.

2. Heard Ms. Meenakshi Singh, learned proxy counsel and Shri Rajeev Sharma, learned proxy counsel for the respondents.

3. Applicant in this case is son of Smt. Ram Dulari Yadav, who had passed away on 17.03.1991 when she was working as a Telephone Operator with the respondents. The applicant at the time of his mother's demise was a minor. He waited to complete 18 years of age and filed this application in May, 1993. As required by the respondents, the applicant has submitted all the necessary details including requisite certificates from Tehsildar. The case was examined finally and it was rejected on 05.09.2001 on the finding that the applicant's family was not living in indigent circumstances, which alone would have justified grant of appointment. The plea raised by Ms. Meenakshi Singh, for the applicant is that the basis adopted by the respondents to reject the claim was mainly the reported possession of two houses, which they did not have. On the other hand, Shri Rajeev Sharma points out for the respondents that the applicant's father was already a retired employee, receiving pension and the family pension could not be treated as living in impecunious circumstances, to be granted a compassionate appointment.

4. I have carefully considered the matter. Appointment on compassionate grounds, is not a matter of right, but one which the Govt. offers as a welfare measure to meet the indigent circumstances in which the dependents of the deceased Govt. Employee is

placed, by the sudden death of the bread winner and this is subject to the conditions governing the same. In this case, the Govt. has taken a view that in view of the applicant's possessing two houses and also being the son of another Govt. employee, who is having the retirement benefits, the case for compassionate appointment is not made out. The Competent Authority having decided that the applicant has not been placed in the indigent circumstances, he does not have a right for being granted the compassionate appointment. The order passed by the respondents cannot be faulted and interfered with.

5. In the circumstances, OA fails and is accordingly, dismissed.

(GOVINDAN S. TAMPI)
MEMBER (A)