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Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 2470/2001

New Delhi this the 13th day of February, 2002

Hon'ble Shri Kuldip Singh, Member (J)

Shri Pankaj Kumar Pandey
S/o Late Shri M.N. Pandey
R/o A-21/2, Mata Mandir Marg,
Mauz Pur, Delhi-110053.

-Applicant

(None Present)

Versus

1. Govt. of NCT of Delhi
through its Chief Secretary
5, Sham Nath Marg, Delhi.
2. Chief Engineer
Public Works Department
Zone-3, Govt. of Delhi
M.S.O. Building, I.P. Estate
New Delhi-110002
3. Director (Personnel)
Public Works Department Head Quarter
Govt. of Delhi, Nirman Kuteer,
Kasturba Gandhi Marg, New Delhi-110001.

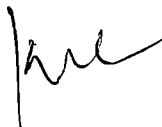
-Respondents

(By Advocate: Mrs. Jasmine Ahmed)

ORDER (Oral)

The applicant has filed this OA as he is aggrieved by the communications dated 5.3.2001 and 3.7.2001 vide which the applicant's representation for grant of appointment on compassionate basis has been rejected.

2. The facts, as alleged by the applicant are that the applicant's father, namely, Shri M.N. Pandey was working as LDC in the office of respondent No.2 under Respondent No.1, who died in harness. Thereafter the applicant made an application for appointment as LDC on compassionate grounds, which had been rejected vide Annexure A-2 dated 5.3.2001.





Thereafter applicant has made another representation and the case of the applicant was also re-considered but the same has been rejected again vide Annexure A-4 dated 3.7.2001. The applicant pleads that this rejection of the request is not justified as the respondents have failed to appreciate that both the elder sons of deceased M.N.Pandey had been living separately from the applicant. It is also pleaded that the amount of pension is not sufficient for maintenance of the wife and the mother of the deceased and there is no other source of income in the family of the applicant so the applicant is entitled to be given appointment on compassionate ground.

3. The OA is being contested by the respondents who submitted that after the death of Shri M.N.Pandey who was working with the respondents, a total amount of Rs. 3,29,652/- was given to his family as retiral benefits and medical expenditure which was incurred by the family on the deceased has also been re-imbursed and elder two sons of the deceased are also working though they are living separately but it is their duty to maintain their mother. The respondent have also annexed Annexure-A, an observation given by this Bench in OA-2474/98 wherein it was mentioned that the compassionate appointment is not a matter of right. It is considered only in extreme cases of hardship and penury and it is the duty of the sons to look after the mother on ethical and legal grounds. Relying upon the same, respondents have pleaded that in this case also two elder sons of the widow/deceased are working

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and only one son, though who is unemployed and can find out the work separately but do not have any right to be appointed on compassionate grounds and besides that the monthly pension which is being given to the widow of the deceased is sufficient for daily needs.

4. When the OA was taken up for hearing, no one appeared for the applicant despite repeated calls, so I decided to proceed under Rule-15 of CAT (Procedure) Rules, 1987. I have heard Mrs. Jasmine Ahmed, counsel for respondents and gone through the pleadings on record.

5. The fact that the two elder sons of the deceased are living with their families separately is not controverted by the applicant in the rejoinder. But as observed by the court in an earlier case of Shri S.S. Rawat in OA-2474/98, it is the duty of the elder son also to look after their mother and grand mother. As per the circumstances and facts, as alleged by the applicant, it is quite clear that it is not a case of extreme hardship of the family, so I am also of the considered opinion that the observation given by the Tribunal in OA-2474/98 fully applies to the present facts of the case as well.

6. In the circumstances, the OA fails and is dismissed. No costs.


(Kuldip Singh)
Member (J)

cc.