

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 251/2001

(10)

Wednesday, this the 19th day of December, 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

Subhash Kumar,
S/o Late Gauri Shankar,
A-97, Katyani Vihar,
Rajiv Nagar X, Begampur,
New Delhi

..Applicant

(By Advocate: Shri S.N. Anand)

Versus

1. Union of India, Through Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan
New Delhi

2. Director General Health Services,
(Ministry of Health and Family Welfare)
Nirman Bhawan
New Delhi

3. The Medical Superintendent
Ram Manohar Lohia Hospital
New Delhi

..Respondents

(By Advocate: Shri R.N. Singh)

O.R.D.E.R. (ORAL)

Applicant, whose father died in harness on 25.1.1999 while working as Chowkidar under respondent No.3, seeks appointment in a group "D" post on compassionate basis in terms of the Scheme framed by the Government of India on the subject of compassionate appointment under the Central Government and notified vide Office Memorandum dated 9th October, 1998.

2. The applicant had earlier challenged the order passed by the same respondents on 16.6.2000 rejecting his claim for appointment on compassionate basis before this Tribunal through OA No.2150 of 2000. The Tribunal had

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found that the respondent in question had failed to apply his mind to the facts and circumstances of the case properly and in accordance with the aforesaid guide-lines. Accordingly, the respondent in question was directed to consider the applicant's claim with due regard to the comprehensive guide-lines issued by the Govt. of India and to pass a speaking and a reasoned order. The order dated 19.12.2000 impugned in the present OA has been passed in pursuance of the aforesaid directions (Annexure-A).

3. A perusal of the aforesaid order dated 19.12.2000 shows that the applicant's claim has been formally rejected once again, this time only after a proper application of mind and after a careful consideration of the facts and circumstances of the case. For instance, the reasons assigned for rejecting the applicant's claim include factors such as the receipt of family pension of Rs.1,740/- with dearness allowance calculated @ 41%, retiral benefits amounting to Rs.1.89 lacs approximately, ownership of a house in Delhi, non-existence of any liability in the form of unmarried daughters or minor children as also the fact that the applicant himself happens to be employed. In this way, I find the respondents have gone into each and every aspect which is required to be taken into consideration before deciding ~~the~~ cases for appointment on compassionate basis.

4. The learned counsel appearing on behalf of the applicant submits that the deceased employee had left behind his widow, a daughter and the applicant. The

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daughter is already married and settled separately. The applicant himself is a married person with two children. The fact that he is employed in the manner alleged by the respondents has not been seriously disputed.

5. The learned counsel appearing on behalf of the respondents has drawn my attention to the object of the Scheme for compassionate appointment which reads as under:

"The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency." (emphasis supplied)

If one has regard to what is laid down as the object of the Scheme, it is clear that none of the conditions envisaged exists in the present case. The family who is in receipt of a family pension and has a house to live in cannot be said to be living in penury. The applicant himself is employed and, therefore, the family has some additional means of livelihood also. There is, in my view, no financial emergency facing the family of the deceased employee.

6. For the reasons mentioned in the preceding paragraphs, the impugned order dated 19.12.2000 can be said to have been passed properly and after a careful consideration of the facts and circumstances of the case

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having regard to the Scheme framed by the Government of India. I find nothing in the said order so as to warrant interference with the same.

7. There is little merit in the present OA which is accordingly dismissed. No costs.

S.A.T. RIZVI
(S.A.T. RIZVI)
Member (A)

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