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Central Administrative Tribunal
Principal Bench: New Delhi

OA No 2769/20001

New Delhi this the 5th day of April, 2002

Hon'ble Shri V.K. Majotra, Member(A)

Smt. Raj Kaur
W/o Late Shri Amrik Singh,
R/o C-57, DDA Flats, Double Storey,
East of Kailash, Garhio,
New Delhi.

-Applicant

(By Advocate: Shri D.S. Mahendru)

Versus

Govt. of NCT of Delhi,
Through

1. Chief Secretary,
Delhi Secretariat,
Near I.G. Stadium,
New Delhi.
2. Deputy Secretary (Services)
Delhi Secretariat,
Near I.G. Stadium,
New Delhi.
3. Administrative Officer,
National Cadet Core,
Chabi Ganj, Kashmere Gate,
Delhi.

-Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R

Applicant has assailed Memo dated 21.9.2001 (Annexure A-1) whereby case of applicant for appointment on compassionate grounds has been rejected by the respondents on the ground that the family is in receipt of monthly family pension of Rs.1420/- per month apart from an amount of Rs.96,368/- paid to them on account of service benefits. It is also stated that the family of the deceased Govt. servant owns a residential house.


2. Learned counsel of the applicant contended that

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the applicant does not own any house. The house belongs to the mother-in-law of the applicant. The learned counsel further stated that the financial condition of the family is very bad as there is no bread earner in the family and besides the widow (wife of the deceased Government servant), i.e., the applicant, there are three minor children who are studying in different classes. Learned counsel drew my attention to the case of one Smt. Kala Panwar whose case has been recommended for appointment to the post of Assistant Teacher on compassionate grounds whose family is in receipt of a family pension of Rs.1650/- and although the family owns a residential house in Delhi, they got a terminal benefit of Rs.1,80,152/- and barring a liability of loan of Rs.1,80,000/-, there are no other liabilities (Annexure R-II-Minutes of the meeting of the Screening Committee held on 10-11/5/2001 and 7.6.2001- Sr.No.86 refers).

3. On the other hand learned counsel of the respondents Shri Vijay Pandita contended that applicant herself in her application dated 12.12.2000 (Annexure R-I) has verified that she owned house No.C-57, DDA Flats, Slum Qtr. East of Kailash, Garhi, New Delhi-65, therefore, applicant's plea that she does not own the house, cannot be accepted.

4. Drawing attention to Annexure R-II, i.e., Minutes of the meeting of the Screening Committee, learned counsel stated that the Committee considered 162 cases for appointment on compassionate grounds and



approved a panel of 33 persons for appointment to Group-D posts on compassionate basis.

5. It is noticed that applicant had in her application (Annexure R-I) verified that she owned House No. C-57, DDA Flats, Slum Qtr., East of Kailash, Garhi, New Delhi-65. Applicant cannot be allowed to retrace this claim ^{and as such} -it is held that she owns this property. After perusing the particulars of those recommended for appointment on Group-D post on compassionate grounds, I find that applicant was more deserving person vis-a-vis Smt. Kala Panwar who has been recommended for appointment as Assistant Teacher. Smt. Kala Panwar Sl. No.86 of the Minutes of the Screening Committee receives a family pension of Rs.1650/-, has own residential house in Delhi and got terminal benefit of Rs.1,80,152/-. She has no minor children to support. On the other hand, the present applicant receives a ^{smaller} family pension of Rs.1420/-, got a terminal benefit of Rs.96,368/- and has a residential house but has to support three minor school going children besides herself. Applicant's case is certainly more deserving than the case of Smt. Kala Panwar as her financial condition looking to her family liabilities is certainly more indigent than Smt. Kala Panwar. In this view of the matter, respondents have ^{wrongly} rejected the applicant's claim for appointment to Group-D post on compassionate ground.

6. In view of the reasons recorded above, Annexure A-1 dated 29.1.2001 is quashed and set aside and

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respondents are directed to include applicant's name in the panel for appointment on compassionate ground against a Group-D post. She should be appointed as such as and when a relevant vacancy arises in Group-D post after accommodating the recommended candidates from the panel.

7.. The OA is allowed in the above terms. No costs.



(V.K. Majotra)
Member (A)

cc.