

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No.3356 of 2001

(8)

New Delhi, this the 12th day of September, 2002

HON'BLE SH.KULDIP SINGH, MEMBER (J)

1. Smt.Laxmi Devi,  
W/o Late Shri Jagdish Chander,
2. Mukesh Sharma,  
S/o Late Shri Jagdish Chander,  
  
R/o V&P.O. Nimoth,  
P.S. Khol,  
Distt. Rewari (Haryana).

-APPLICANT

(By Advocate: Shri Pradeep Kumar Arya)

Versus

1. The Union of India, through  
Ministry of Home Affairs,  
New Delhi.
2. Commissioner of Police,  
Delhi Police, Police Headquarters,  
I.T.O.  
New Delhi.
3. Dy.Commissioner of Police,  
Delhi Police,  
Indira Gandhi, International Airport,  
New Delhi-110054

-RESPONDENTS

(By Advocate: Shri Mohit Madan proxy counsel of  
Shri Rashmi Chopra)

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

Applicant in this case has prayed for a direction to respondents to give appointment to applicant no.2 on compassionate grounds.

2. The facts as alleged in brief are that the father of the applicant no.2, namely, Shri Jagdish Chander was employed with respondents had died in harness. The case of the applicant is that after the death of Late Shri Jagdish Chander, S.I. the applicant no.1, the widow of deceased, requested the respondents to appoint her son Mukesh Sharma, i.e., the applicant no.2 on compassionate

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grounds. The case of the applicant no.2 was considered by the respondents but was rejected by impugned order (A-1) vide which the applicant was informed that his case was considered by the Committee headed by the Commissioner of Police held on 27.4.2001 and after taking into consideration the financial condition of the deceased family, liabilities and other relevant factors such as the presence of earning member, size of the family, age of the deceased at the time of death, ages of the children and the essential needs of the family as well as instructions of the Govt. of India on the subject, it was found that the applicant do not deserve to get appointment on compassionate grounds.

3. The respondents in their reply pleaded that the case of the applicant on compassionate grounds was processed and it was found that the family of the late S.I. consists of widow, mother of the deceased, two married sons and one unmarried son. Both the elder sons are doing their business and living separately. The wife of late SI was paid Rs.10,24,696/- as pensionary benefits and is drawing family pension @ of Rs.3362/- p.m.+D.A. as admissible from time to time. She was also in possession of a property valued Rs.20,000/-. He relies on the Supreme Court's judgement in the case of Umesh Nagpal Vs. State of Haryana (1994) 4 SCC 138 as reads below:-

"Mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the Public authority concerned has to examine the financial condition of the family of the deceased and it is only if

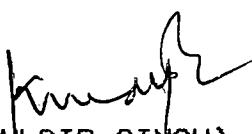
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it is satisfied, that but for the provisions of employment the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family".

4. In this case, I find that it is not a case of extreme hardship where the family is in indigent circumstance. It is not a question of family crisis which cannot be tide over and to provide the job to the legal heir, i.e., applicant no.2. The purpose to provide the job on compassionate grounds to the legal heir of the deceased employee is not sustainable. On the facts and circumstances of the case, I find that the OA has no merit and the same is accordingly dismissed. No costs.

  
(KULDIP SINGH)  
MEMBER(J)

/kd/