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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3401/2001

Wednesday, this the 2nd day of January, 2002

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

Shri Bhagat Singh
S/O Late Shri Kale Ram
Ex-Sweeper
Govt. of N.C.T.Delhi
Residing at 39/2, Sector-I, Pushp Vihar
M.B. Road, New Delhi-17

..Applicant

(By Advocate: Shri B.Krishan)

Versus

1. Govt. of NCT of Delhi
through its Chief Secretary
Delhi Secretariat
I.P. Estate, New Delhi-2.
2. The Deputy Secretary (Services)
Services-II Department
Govt. of NCT of Delhi
A-Wing, 5th level,
I.P.Estate, New Delhi-2.

..Respondents

O R D E R (ORAL)

Heard the learned counsel appearing on behalf of the applicant.

2. Shri Kale Ram, a class-IV employee in the respondents' set up, died in harness on 28.1.1998 leaving behind his widow and three sons. In the proforma application for employment of dependents on compassionate basis filed on behalf of the applicant, it has been shown that two of the three sons left behind by the deceased employee were duly employed as Driver and Peon respectively and one of them was an unemployed person. The third son, namely, Shri Bhagat Singh, who is the applicant in the present OA, has been shown in the said application as unemployed and supposedly leaving with the widow of the deceased employee. d

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3. The applicant's case for compassionate appointment was duly considered by the screening committee in accordance with the guidelines laid down by the Govt. of India on the subject of compassionate appointment and his claim was rejected on the following three grounds:-

"(i) The family of the deceased Govt. servant is receiving a family pension of Rs.2042/- p.m.

(ii) A sum of Rs.2,42,793/- has been paid to the family on account of service benefits of the deceased Govt. servant.

(iii) Two brothers of the applicant are also employed and earning Rs.2200/- and Rs.2000/- p.m."

4. The aforesaid rejection was followed by applicant's representation dated 8.10.1999 in which it has been stated that the two sons shown as employed in the aforesaid application were daily wagers and had been living separately, without assisting the applicant and his widow^{ed} mother in any way. It has further been stated in the said representation that the two brothers in question were not working as Govt. employees. The applicant was thereafter again called for interview by the screening committee (A-8). He was duly interviewed by the screening committee and the matter was thereupon considered by the committee on 10.10.2000 (A-9). After due consideration, the applicant's claim has been rejected once again on 24.1.2001 (A-1).

5. The learned counsel appearing on behalf of the applicant submits that the aforesaid rejection of 24.1.2001 (A-1) does not indicate any reason on the basis

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of which the applicant's claim has been rejected. Merely saying that the applicant's claim was found to be devoid of merits does not, according to him, amount to assigning of reasons. Moreover, according to him, the fact that the two sons of the deceased employee were gainfully employed will not affect the merits of the applicant's claim for the reason that the aforesaid sons had been living separately and were only daily wagers and not regular employees.

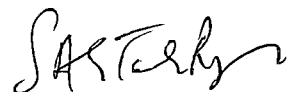
6. I have considered the aforesaid submissions made by the learned counsel and find that since the respondents have already assigned reasons in their rejection letter of 8.9.1999 (A-6), and the impugned Memorandum dated 24.1.2001 (A-1) has been issued after a reconsideration of the matter, it was not necessary for the respondents to assign the very same reason once again. In the circumstances, it was enough on the part of the respondents to indicate that the applicant's claim was devoid of merits. The guidelines laid down by the Govt. of India on the subject of compassionate appointment envisage acute financial distress flowing from the death of an employee and ^{the} need for rendering of assistance financially or otherwise on an immediate basis ^{is} a must to save the deceased employee's family from penury. In the present case, I find, the circumstances are not such as ^{would} warrant assistance to the deceased employee's family by way of offering appointment on compassionate basis. The respondents' action, therefore, does not call for interference by the Tribunal. 2

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7. The learned counsel appearing on behalf of the applicant relied on Smt. Sushila Rani Roy Versus Union of India Ors. decided by the Calcutta Bench of this Tribunal on 17.9.2001 in support of the applicant's claim in the present case. I have perused the aforesaid judgement and find that on facts that case is distinguished. In that case, both the sons of the deceased employee were unemployed. The aforesaid decision also, in my view, does not create a judicial precedent, *in the circumstances of the case.*

8. For all the reasons mentioned in the preceding paragraphs, the OA is dismissed in limine.



(S.A.T. Rizvi)
Member (A)

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