

Central Administrative Tribunal  
Principal Bench

O.A.No.465/2001

(18)

Hon'ble Shri Shanker Raju, Member(J)

New Delhi this the 9<sup>th</sup> day of August, 2002

Umesh Poddar  
s/o Late Sh. Raghunath Poddar  
r/o M-18, Mangol Puri  
New Delhi - 83.

... Applicant

(By Advocate: Sh. S.K.Sinha)

Vs.

1. Delhi Milk Scheme  
West Patel Nagar  
New Delhi - 110 008.  
through Shri R.C. Punj, Personnel Officer
2. The Chairman  
Delhi Milk Scheme  
West Patel Nagar  
New Delhi - 110 008. ... Respondents

(By Advocate: Shri Madhav Panikar)

O R D E R

By Mr. Shanker Raju, M(J):

Applicant, who is a son of deceased Government servant, has sought compassionate appointment and impugns respondents' order dated 27.3.1999, rejecting his request for compassionate appointment.

2. Briefly stated, the applicant's father died in harness on 18.12.1990. Applicant applied for compassionate appointment on 10.4.1991 within the stipulated period. Applicant's family got Rs.38,000/- as retiral benefits and a family pension of Rs.1275/- plus Dearness Allowance.

3. After a period of six years by a letter dated 2.12.1997 applicant was directed to appear in an interview. Again he was called for interview on 27.3.1999 but the claim of the applicant, after

consideration, was rejected on the ground that the family getting family pension of Rs.1275/- plus D.A. and the elder son can earn his livelihood, the case has not been recommended as the family has managed to survive for such a long period, the deceased family is not indigent.

(19)

4. Learned counsel for applicant, by way of an MA, brought additional facts and contended that the amount received as retiral benefits ~~was~~<sup>were</sup> too meagre to survive his family and has alleged hostile discrimination meted out to the applicant by stating that the others have been accorded compassionate appointment even after a long delay, having lesser liability and were given more benefits than what has been received by the family of the applicant. It is in this conspectus stated that the criteria adopted by the respondents is not as per the Rules and the applicant has been prejudiced.

5. On the other hand, respondents' counsel Shri Madhav Panikar, placing reliance on a decision of the Apex Court in Umesh Kumar Nagpal v. State of Haryana & Ors., JT 1994(3) SC 525, contended that as the applicant's father died on 18.12.1990, the object of compassionate appointment is to tide<sup>w</sup> over the financial crises and to provide immediate financial assistance as the family consists of one elder son, who is capable of earning and the family is managed to survive for such a long period of six years, the Committee, after due consideration, has not found <sup>it fit</sup> to appoint the applicant on compassionate grounds.

6. It is further stated that his case was examined by the internal committee of the DMS as per the rules and instructions on the subject but the case was not deserving and also belated one. (60)

7. In so far as the discrimination is concerned, the learned counsel has produced a chart showing that the others who had been given compassionate appointment were having more liabilities and also the delay was lesser in their cases. It is also stated that the sons of the applicants are aged 33 and 28 years without any liability of marriage daughters, etc.

8. I have carefully considered the rival contentions of both the parties and perused the material on record. In view of the Apex Court's decision in Umesh Kumar Nagpal (supra) and in recent decision of the Apex Court in Haryana State Electricity Board v. Krishna Devi, JT 2002(3) SC 485, the Apex Court has observed that compassionate appointment can be given only on humanitarian circumstances with an object to provide immediate financial help to the deceased family and cannot be claimed as a matter of right.

9. Moreover, in my considered view, delay in compassionate appointment frustrates the object of immediate financial assistance to tide over the crises. Compassionate appointment cannot be claimed as a right. Although the financial benefits cannot be a deciding factor as per the decision of the Apex Court in Balbir Kaur and Another v. Steel Authority

of India Limited & Others, (2000) 6 SCC 493 but yet family of the applicant has lesser liability, having two sons aged 33 and 28, and no further liability of marriage<sup>w</sup> daughters, etc, and the amount which had been given in comparison to others, who had more liabilities and lesser amount paid to them, being unequal cannot be treated equally.

10. In this view of the matter, contention of the applicant that the respondents have offered in 2000 more particularly Smt. Anandi Devi, whose husband's died on 23.9.1992, <sup>w</sup> was accorded compassionate appointment on 28.4.2000 is a bad comparison as she has more liability as having three sons and two daughters. Whereas the applicant's family consists of two sons and widow.

11. I am of the considered view that the applicant has not been discriminated and only on the strength of Articles 14 and 16 of the Constitution of India, he cannot claim compassionate appointment or reconsideration as he is not similarly situated.

12. In the result, the OA is found bereft of merit and is accordingly dismissed. No costs.

S. Raju  
(Shanker Raju)  
Member(J)

/rao/