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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 985/2001

Monday, this the 14th day of May, 2001

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

1. Smt. Bhagwati Chidden,
W/O Late Shri Chidden
R/O R-3, A-2, House No.88,
Gali No.2, Near Shiv Mandir,
Mohan Garden Extension,
Uttam Nagar, New Delhi-59.
2. Shri Kishan Pal,
S/O Late Shri Chidden,
R/O R-3, A-2, House No.88,
Gali No.2, Near Shiv Mandir,
Mohan Garden Extension,
Uttam Nagar, New Delhi-59.

.Applicants

(By Advocate: Shri T.D.Yadav)

Versus

1. Union of India
Through the Secretary,
Ministry of Defence,
South Block,
New Delhi-1.
2. Chief of the Army Staff,
A.G.'s Branch,
Army Headquarter,
DHQ Post Office,
New Delhi-11.
3. The Officer Commanding
Station Workshop EME,
Delhi Cantt. 10.
4. Smt. Kamlesh,
W/O Late Veh. Mech. Shri Om Parkash,
C/O Station Workshop,
EME, Delhi Cantt.
New Delhi.
5. Shri Suresh Singh Yadav
S/O Late Shri T.C.Saudagar,
C/O Station Workshop, EME,
Delhi Cantt.
New Delhi.

.Respondents

Q_R_D_E_R (ORAL)

Heard the learned counsel for the applicants and
perused the material placed on record.

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2. This is ~~a~~ second round of litigation in this very case for appointment on compassionate basis. Earlier, the applicant had filed OA-478/2000 which was decided by the Tribunal on 6.12.2000 by directing the respondents to pass an appropriate order after considering the representation made by the applicants subsequent to the respondents' order of 19.3.1996.

3. The respondents have complied with the aforesaid order and have after due consideration again rejected the applicants' prayer for compassionate appointment by their letter of 23.1.2001 (Annexure A-I). The reasons which weighed with the respondents in rejecting the case have been listed separately in detail. I have perused the same and find that they have carefully gone into the question of acute financial distress of the family of the deceased employee and have arrived at the conclusion that the family of the deceased employee does not deserve compassionate appointment having regard to the merits of the case as well as keeping in view the 5% limit within which such appointments can be made. The respondents have, I find, taken into account factors such as the number of children including their ages, the amount of terminal benefits received by the family, the amount of monthly family pension, the liabilities ~~are~~ left behind by the deceased employee in terms of ~~are~~ unmarried daughters and movable/immovable properties of the deceased employee at the time of his death. The respondents have found that out of the four sons of the deceased employee, three were married and are working and supporting the family. There is no liability in terms of unmarried daughters and minor

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children. Accordingly, taking a careful view in the matter, the respondents have proceeded to reject the case. I find nothing wrong with the order passed by them and the same is a speaking and a reasoned order.

4. The learned counsel for the applicants made a reference to the respondents' letter of 19.3.1996 (Annexure A-XIII) to point out that the applicant was placed at No.2 in order of seniority for appointment purposes, but he has been ignored and his juniors, namely, the persons listed at Sl.Nos. 3 & 4 have been given appointments. I have perused the aforesaid order and find that the list shown in it does not represent seniority inter-se of the applicant and the others. The learned counsel's aforesaid plea thus fails and is rejected.

5. In the circumstances, the OA is found to have no force and is summarily rejected at this stage itself, without issuing notices.

6. Registry is directed to send a copy of the OA along with this order.



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

/sunny/