

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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OA 2001/99

New Delhi this the 9th day of May, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Jasmer Singh
S/O Shri Jeet Singh
R/O V&PO Jaurasi Khas
Tehsil Smalkha, Distt. Panipat
Present Address 1202, Laxmi Bai Nagar,
New Delhi.

.. Applicant

(By Advocate Ms Jyoti Singh, learned
counsel through proxy counsel Ms
Meethu Das.)

Versus

1. Union of India through
Commissioner of Police,
I.P. Estate, New Delhi.
2. Addl. Commissioner of Police
HQ(P), Police Headquarters,
Delhi Police, I.P. Estate,
New Delhi.

.. Respondents

(By Advocate Mrs. Meera Chhibber)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant is aggrieved by the orders passed by the respondents dated 3.8.1998 and 20.10.1998 which he has prayed may be quashed and set aside. The aforesaid orders were passed by the respondents on the request made by the applicant, son of late Sh. Jeet Singh, ASI, who had died in harness for consideration for appointment as Constable (Executive) in Delhi Police on compassionate grounds. The applicant's father died while in service on 27.1.1995. Thereafter from the documents placed on record, it is seen that the applicant's request for compassionate appointment has been duly considered by the respondents through the Committee set up by them headed by the Commissioner of Police and was rejected by order dated 11.11.1997 (Annexure A-2). This order has, however, not been impugned by the applicant who had prayed that the subsequent requests made by him to the respondents which had been rejected, should be quashed and set aside. He has submitted that the

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impugned orders are illegal and without application of mind. This has been controverted by the respondents as well as Mrs. Meera Chhibber, learned counsel.

2. From the documents on record, it is seen that the respondents/through the Committee headed by Commissioner of Police had Delhi in its meeting held on 3.11.1997/considered the case of the applicant in terms of the relevant rules and instructions. They have stated that late ASI had two wives and four children. Both the wives have been paid Rs.1,63,561/-as pensionary benefits in two equal shares and they are also drawing family pension. The first wife of the late ASI is stated to be employed as Teacher in Govt. School and the family has a house as well as Agricultural land in the village. Learned proxy counsel for the applicant, has however, submitted that the applicant and his mother who is ^{the} second wife of the late ASI Jeet Singh, neither ^a own house nor Agricultural land for which she seeks further time to ~~make~~ her submissions and produce relevant documents.

3. It is noticed that ^{the} written statement on behalf of respondents has been filed as far back as 17.2.2000 and several opportunities have been given to the applicant to file rejoinder which has, however, not been done. In the circumstances the plea of the learned proxy counsel for the applicant for further adjournment in the case to enable the applicant to file rejoinder does not appear to be reasonable and is accordingly rejected.

4. On the facts set out above, it is clear that the request of the applicant has been considered by the respondents through the ^{the} Committee headed by Commissioner of Police, and he has been informed of the result vide order dated 11.11.1997. Thereafter, the applicant appears to ^{have} made repeated representations to have his case considered and reconsidered which has also been done by the impugned orders passed in August/October, 1998.

5. According to the respondents the family of the late ASI ~~deceased~~ has been paid pensionary benefits and also family

pension besides ^{the fact that they ^{is}} own house and other assests in the village. The Apex Court in Umesh Kumar Nagpal Vs. State of Haryana and Ors (JT 1994(3)SC 525 in dealing with matters of compassionate appointment observed as follows:-

" Mere death of an employee in harness does not entitle his family to such source of livelihood. The Govt. or the public authority concerned has to examine the financial condition of the family of the deceased and it is only if it is satisfied, that but for the provisions of employment the family will not be able to meet the crises that a job is to be offered to the eligible member of the family."

The judgement of the Hon'ble Supreme Court in the case of LIC of India Vs. Mrs Asha Ramachandra Ambekar and Anr. (JT 1994 (2)SC 183) is also relevant in the facts of the present case.

6. Taking into account the facts and circumstances of the case, ~~and~~ in particular the fact that the respondents have indeed considered the request of the applicant for compassionate appointment in accordance with rules ^{which ^{is} and has been rejected} ^{and this ^{is}} by order dated 11.11.1997, has not been impugned in this OA, I find no merit in this application. The applicant cannot claim ~~for~~ compassionate appointment by repeated requests as a matter of right. As the respondents have duly considered his case in terms of the relevant rules and instructions, I do not find any justification to interfere with the matter.

7. In the result, for the reasons given above, the OA is dismissed. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)