

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
NEW DELHI.

O.A.No.1114/98

Decided on

19<sup>th</sup> FEBRUARY 1999

HON'BLE M.R.S.R. ADIGE, VICE CHAIRMAN (A).

Shri Ajay Chaturvedi,  
S/o late Shri R.K. Chaturvedi,  
R/o 1/7/24, Shiv Marg, Shivaji Park,  
Shahdara,  
Delhi - 110032 ..... applicant.

(By Advocate: Shri H. C. Sharma)

## Versus

1. Union of India  
through the  
Secretary,  
Ministry of Defence,  
South Block,  
New Delhi.
2. Lt. Secretary ( Trg. ),  
Ministry of Defence,  
C-2, Hutmants, Dalhousie Road,  
New Delhi -110011

(By Sh. Trilochan Rout, Sr. Admin. Officer,  
Dept. Rep'r.)

## ORDER

BY HON'BLE M.R.S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' order dated 8.1.98 (Annexure-A) rejecting his case for compassionate appointment.

2. Heard both sides.

3. Consequent to the unfortunate demise of applicant's father while in service on 14.7.95, the case for compassionate appointment to the next kin was considered more than ones by respondents at different levels in the light of OP & T's O.M. dated 30.6.87 (Annexure-R-1) read with O.M. dated 28.9.92 (Ann. R-2) and was rejected on merits as not

(P)

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being a fit case for grant of compassionate appointment.

4. Applicant himself admits in para 8.1 of the OA that total retiral benefits of Rs. 4.95 lakhs were received by the family in addition applicant's mother is receiving Rs. 3500/- p.m. as family pension, and it is also not denied that the family owns ancestral property in Ferozabad. In U.K.Nagpal Vs. State of Haryana & Ors. 1994 SC 525 the Hon'ble Supreme Court has held that the grant of compassionate appointment to the next of kin of a Govt. employee who dies in service, is an exception to the right to equality guaranteed under Articles 14 and 16 of the Constitution, the justification for which lies in the immediate need to save the family of that Govt. servant from imminent penury. Even if some part of the retiral benefits received by the applicant's mother went towards meeting financial liabilities, in the facts and circumstances noticed above it cannot be said that this case satisfies the aforementioned test of penury, so as to warrant judicial interference. It is important to remember here that this Bench is not to substitute its own assessment of penuriousness for that of the respondents and would interfere only if their decision was manifestly unreasonable, illegal or arbitrary.

5. In this background the rulings relied upon by applicant's counsel namely 1994 (4) SCC 139 and 1993 Case Law Digest Vol.4 page 274 do not advance

applicant's claim, and the contention that the impugned order dated 8.1.98 is not a speaking order is also not correct, because the order dated 8.1.98 and indeed the more detailed order dated 29.11.95 (Annexure-0) rejecting applicant's case earlier, are both speaking orders.

6. The OA is therefore dismissed. No costs.

*Arfachig*  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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