

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 1725 of 1998

New Delhi, this the 10th day of May, 1998

Hon'ble Mr. N. Sahu, Member(Admnv)

Shri Narendra Kumar S/o late Sh. Harish
Chander, R/o X-655, Raghurpura I, Gandhi
Nagar, Delhi-35

- APPLICANT

(By Advocate Shri D.R.Gupta)

Versus

1. The Director of Printing, Ministry of Urban Development & Employment Affairs, Nirman Bhawan, New Delhi.
2. The Manager, Govt. of India Press, Minto Road, New Delhi-2. RESPONDENTS

(By Advocate Shri Rajinder Nischal)

O R D E R

By Mr. N. Sahu, Member(Admnv)

The applicant is aggrieved by the order of the respondents rejecting his claim for compassionate appointment on account of the death of his father Shri Harish Chander, who died in harness as a Mechanic on 25.12.1996. The Compassionate Appointment Committee (in short "CAC") was of the opinion that it was not a case of grave financial distress on the ground that the family received terminal benefits of Rs.1.8 lakhs and is also getting monthly pension of Rs.1050/- plus dearness allowance. The second ground given was that the Government servant died at the age of 55 years after putting in 33 years and 6 months of service. Relying on the decision of the Hon'ble Supreme Court in the case of LIC of India Vs. Smt. Asha Ramachandra Ambedkar, JT1994 (2) SC 183 the respondents state that this was not a deserving case.

2. The learned counsel for the applicant submits that the assessment of the financial situation was not objective. The recovery from pensionary dues was substantial. The applicant received only about Rs.1.8 lakhs. There is a daughter to be married by the widow. There is no earning member in the family. There are other liabilities of the family. No honest enquiry has been made about the financial condition of the family of the deceased.

3. I am satisfied that the opinion recorded by the CAC is influenced by one criterion, namely, that the applicant's father retired after 33 years' service. This was not a valid criterion for arriving at a judgment about the eligibility of the applicant for compassionate appointment.

4. Under Chapter-29 of the Swamy's Compilation on Establishment & Administration, Sixth Edition, compassionate appointment can be given only to the widow or son or daughter of a Government servant who dies in harness leaving his family in immediate need of assistance when there is no other earning member in the family. It is also applicable to a Government servant who dies during the period of extension in service. There is no restriction about age or number of years of service. The restriction about age is applicable only when the Government servant is retired on medical grounds under Rule 38 of the Central Civil Services (Pension) Rules, 1972.

5. I find that the decision about the financial condition of the family of the deceased is clouded by extraneous consideration, namely, the death of the deceased when he was 55 years of age. That apart, pension of a small amount of Rs.1050/-, when there is no other source of income to the family, cannot be considered to be even enough for taking a house on hire. The respondents have not applied their mind. I would, therefore, direct the respondents to refer the matter back to the CAC to consider objectively the funds available out of the retirement benefits as well as the family liabilities and arrive at a conclusion about the eligibility of the applicant for a compassionate appointment. This review should be done by the CAC within a period of six weeks from the date of receipt of a copy of this order. Any objective assessment done by the CAC purely on the basis of the existing resources to arrive at a view of the indigence of the family would be final. The OA is disposed of as above. No costs.

Chauhan *10/5/79*
(N. Sahu)
Member(Admnv)

rkv.