

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

✓ O.A. No.1783 of 1998 decided on 13.5.1999

Name of Applicant : Smt.Lajyawati & another

By Advocate : Shri M.L.Chawla

Versus

Name of respondent/s Union of India & another


By Advocate : Shri D.S.Mahendru

Corum:

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

1. To be referred to the reporter - Yes

2. Whether to be circulated to the other Benches of the Tribunal. -No


(N. Sahu)
Member (Admnv) 13/5/99

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1783 of 1998

New Delhi, this the day of May, 1999

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

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1. Smt. Lajyawati w/o late Sh. Tara Chand Bhardwaj, aged about 70 years, R/o 68-C, L-Block, Saket, New Delhi-110017
2. Sh.Rakesh Kumar Bhardwaj, S/o late Shri Tara Chand Bhardwaj, aged about 36 years, R/o 68-C, L-Block, Saket, New Delhi-110017

- APPLICANTS

(By Advocate Shri M.L.Chawla)

Versus

1. Union of India (Through the Secretary to the Govt. of India, Ministry of Agriculture, Krishi Bhawan, New Delhi.
2. The Director, Directorate of Extension, Ministry of Agriculture & Co-op., Krishi Vistar Bhavan, Pusa, New Delhi-110012

- RESPONDENTS

(By Advocate Shri D.S.Mahendru)

O R D E R

By Mr. N.Sahu, Member(Admnv)

The OA is filed against an order dated 19.11.1997 rejecting the claim of compassionate appointment. Applicant no.1 Smt.Lajyawati is the mother of Miss Shashi deceased who was employed as a Stenographer Grade-III and died after 15 years of service. Applicant no.2 Shri Rakesh Kumar Bhardwaj is the brother of the deceased.

2. The respondents contend that a married brother 37 years of age is not entitled to be considered for compassionate appointment because it does not come within the definition of a family. Reliance was placed on the Supreme Court decision in

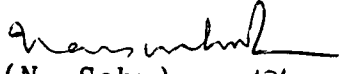
SLP No.7763 of 1985. Secondly, applicant no.1 received an amount of Rs.2,36,000/- by way of terminal dues as the sole nominee of the deceased. Applicant no.1 is also receiving family pension. The brother of the deceased applicant no.2 is admittedly earning through tuition. He is a science graduate and holds Post-graduate Diploma in Company Law and Secretarial Practice from Indian Institute of Law, Delhi. He also holds Post-graduate Diploma in Personnel Management and Industrial Relations from DAV College of Management, Delhi. Finally, he is now studying Law from Bundelkhand University.

3. I have heard the arguments advanced by the learned counsel for the applicants who stated that under the scheme compassionate appointment can be provided to the near relative of the deceased employee.

4. I am of the view that there is absolutely no merit in this OA. Besides Rs.2,36,000/- as terminal benefits the deceased had to her credit Rs.90,000/- in General Provident Fund. Applicant no.1 receives the family pension. The claim of spending Rs.2 lakhs on the obsequies of the deceased is unverifiable. If true, it reenforces the soundness of the decision of the respondents in refusing compassionate appointment. If the applicants could spend such a large amount on ritual and ceremonies on her death, they must be held to be a family with sufficient means. The brother, applicant no.2 is highly qualified and admittedly is earning money from

tuitions. It is not a case of indigence at all. The mother is receiving family pension and under the Hindu Law it is the son's duty moral as well as legal to look after the mother. I do not find any evidence of indigence particularly when the son is qualified enough to earn a decent living. I also do not think that the family is in immediate need of succor, in terms of the guidelines laid down by the Hon'ble Supreme Court in the case of Umesh Kumar Nagpal Vs. State of Haryana & ors. JT 1994 (3) SC 525 = (1994)27 ATC 537, there is absolutely no merit in this OA.

5. In the result, the OA is dismissed. No costs.


(N. Sahu) 13/5/2009
Member (Admnv)

rkv.