

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 868 of 1998

New Delhi this the 10th day of December, 1998

(10)

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Vinod Kumar
S/o Shri Kirpal
R/o 145, Aliganj Lodi Road,
New Delhi.

...Applicant

By Advocate Shri Mohd. Habib Khan. & H.K. Shekhar.

Versus

1. The Station Engineer
Central Store,
All India Radio,
I.P. Estate,
Ring Road,
14-B,
New Delhi.

2. The Directorate General,
All India Radio,
Akashvani Bhawan,
New Delhi.

3. Union of India,
Through its Secretary,
Ministry of Communication &
Broadcasting,
Sanchar Bhawan,
New Delhi.

...Respondents

By Advocate Shri Gajendra Giri.

ORDER (ORAL)

Applicant claims compassionate appointment as his father was medically invalidated and was retired on medical invalidation and was granted invalid pension. It is stated that the applicant is the last of the 5 sons of the Government servant who retired on invalid pension. It appears that he originally sought for compassionate appointment of his daughter which was considered by the respondents and the case for compassionate appointment was rejected on the ground that the Government servant already had 4 of his sons working. The 5th and the youngest son has filed this present application.

(11)

2. The respondents have stated that since Government servant's daughter's case was considered and was rejected on the ground that he had 3 sons working in Government and one other employed elsewhere and the respondents are not satisfied that the Government servant is in indigent circumstances and, therefore, for the same reasons, they have decided that the present applicant is also not entitled to be considered for compassionate appointment. The applicant had made representations regarding his compassionate appointment. The learned counsel for the respondents submits that they have not received any representation. The learned counsel further submitted that even if the representation had been received, the fact remains that the respondents having rejected the case of the daughter of the Govt. servant, cannot take contrary stand at this stage. Learned counsel also submits that there is no vested right for a person for compassionate appointment. The respondents have also to take into account the financial liability and other circumstances. In this case the Government servant had been retired on invalid pension of Rs.1424/-p.m. as per his entitlement with appropriate reliefs thereon. Respondents have also submitted that the applicant had been given all the retiral benefits. In the circumstances, learned counsel for the respondents urges that this application does not deserve any consideration or any interference by the Tribunal.

3. I have heard the learned counsel for the parties and have also perused the record.

4. Grant of compassionate appointment is one of the reliefs to be provided immediately to the family of the deceased or invalidated Government servant in order to provide immediate succour to the family. Departmental instructions/guidelines issued by the Department of Personnel and Training shows that the financial circumstances of the applicant including the number of persons in the family who are already earning members should be taken into consideration for the purpose of compassionate appointment of any dependent. The apex Court in **Life Insurance Corporation of India Vs. Mrs. Asha Ramachandran Ambedkar and Another, JT 1994 (2) SC 183** has held that compassionate appointment cannot be considered as a "benediction" to be extended by the respondents in all cases." In the present case it is admitted that the Govt. servant was medically invalidated and retired on invalid pension and as 4 of his sons are employed, three of them in Government service and one elsewhere, the invalid pension that has been granted to him along with other retiral benefits cannot be considered to be insubstantial.

5. In the circumstances, there is no ground for the Tribunal to interfere in this application for giving a direction to the respondents. The application has no merit and is accordingly dismissed. There shall be no order as to costs.


(K. MUTHUKUMAR)
MEMBER (A)

Rakesh