

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A./~~P.A.~~ No. 1395/1995

Decided on: 26/11/1996

Smt. Krishna Kumari Applicant

(By Shri O.P. Khokha Advocate)

Versus

U.O .I. & Another Respondent(s)

(By Shri M.M. Sudan Advocate)

CORAM:

THE HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

THE HON'BLE SHRI

1. Whether to be referred to the Reporter or not?
2. Whether to be circulated to the other Benches of the Tribunal?

(K. MUTHUKUMAR)
MEMBER (A)

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O. A. No. 1395/95

Dated New Delhi, this is 26th day of July 1996

Hon'ble Mr K. Muthukumar, Member(A)

1. Smt. Krishna Kumari,
Wd/o Shri Hans Raj Kochhar,
2. Shri Raj Kumar
S/o late Sh. Hans Raj Kochhar

both formerly resident of 775/22,
Chenyt Colony, Rohtak(Haryana)

at present residing at 10354 Gali No.1
West Garakh Park,
Shahdara, Delhi-51

Address for correspondence:

10354 Gali No.1, West Garakh Park
Shahdara, Delhi-51

(By advocate: Sh. O. P. Khokha)

Applicants

VERSUS

Union of India, through

1. The Secretary,
Deptt. of Posts,
Sanchar Bhavan,
New Delhi.
 2. The Director General of Posts,
Deptt. of Posts,
Dak Bhavan,
Parliament Street,
New Delhi-110 001
- (By advocate: Sh. M. M. Sudan)

... Respondents

ORDER

Hon'ble Mr K. Muthukumar, Member(A)

The applicant in this case having a
common cause of action, have filed a single
application. The applicant No.1 is a widow of

h



Late Shri Hans Raj Kochhar who was working as Assistant Post Master in Rohtak Division. He died in harness on 13.6.1992 on account of Multiple Myeloma. The applicant no.2 who is the son of the deceased employee applied for appointment on compassionate grounds. The respondents, however, rejected the request on the ground that the family could not be considered to be in indigent circumstances and, therefore, there was no ground for relaxing the recruitment rules and appointing him on compassionate grounds. Aggrieved by the rejection of his request, the applicants have filed this application under Section 19 of the Administrative Tribunal's Act, 1985 with a prayer that the respondents may be directed to appoint applicant no.2 on compassionate grounds.

2. The applicants allege that the deceased government servant had not left any movable or immovable property behind him and the retirement benefits received by them are quite meagre and, in view of the prolonged illness and medical treatment of the deceased government servant, the family has run into debt and in the circumstances, it cannot be said that the family is not in indigent circumstances. The retirement benefits have to be spent on repayment of loans to meet the medical expenses of the deceased government servant and the applicant no.1 is also receiving a low family pension.

3. The respondents have strongly refuted the averments in the application. They have averred that the case of the applicant no.2 for appointment on

h

12

compassionate grounds was considered sympathetically, but could not be agreed to after taking all the aspects of the case into consideration. The applicant no.1 has received retirement benefits amounting to Rs.1.52 lakhs including the GPF and PFI amounts. In addition, the applicant no.1 is also in receipt of family pension amounting to Rs.2124/-per month. Therefore, the applicants cannot be considered to be in indigent circumstances. Besides, the respondents contend that an appointment on compassionate grounds can only be given in deserving cases where the family of the deceased government servant is in acute financial distress and in indigent circumstances. It is stated that as the elder sons of the applicant no.1 are well settled and earning good salary and can also lend necessary support to the family of the deceased Govt. servant, the family cannot be considered to be in financial distress and in these circumstances, the applicant no.2 cannot be given compassionate appointment.

4. I have heard the learned counsel for the parties and also perused the records. It is an admitted position that the applicant died in harness and consequently retirement benefits including GPF etc. amounting to Rs.1.52 lakhs have been paid to the applicant no.1 besides family pension of Rs.2124/-per month. It is also an admitted position that the two other sons of the applicant no.1 are gainfully employed. The learned counsel for the applicant relied on a decision in Usha Rao Vs UOI ATJ pt-1 Vol.8 p.36 and argued that

h

13

on the question of appointment on compassionate grounds due consideration of factors like unemployed members of the family and other relevant aspects ought to have been given.

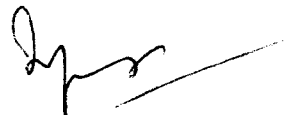
5. The law is well settled in regard to the question of grant of compassionate appointment. It is pointed out at the outset that the compassionate appointment involves relaxation of recruitment rules and procedures in favour of the applicant no.2. The compassionate appointment is given in extremely hard cases where the family's sole bread winner, dies leaving behind a large family in indigent circumstances. It is only in such conditions that the family of the deceased government servant is provided with a scheme by which one eligible member of the family who is otherwise qualified could be considered for appointment on compassionate grounds by relaxing certain requirements of rules in regard to age, other procedures while applying through Employment Exchange etc. Compassionate appointment cannot be claimed as a matter of right. The Hon'ble Supreme Court in LIC of India Vs Mrs Asha Ramchandra Ambedkar & Anr, JT 1994 (2) SC, 183 has very clearly held that High Courts and the Administrative Tribunals cannot confer benediction impelled by sympathetic consideration and disregardful of law. The respondents have given due consideration in regard to the claim of the applicant no.2 for appointment on compassionate grounds in accordance with the rules and the scheme governing such appointment and they have come to the conclusion that the family of the deceased

h

14

government servant could not be considered to be in indigent circumstances and, therefore, they have rejected his representation. From the pleadings application and the admitted facts, it is fairly evident that the family of the deceased government servant cannot be considered to be in indigent circumstances. Just because there is an unemployed member in the family, that does not by itself give rise to a claim for compassionate appointment. In any case, the respondents have considered the matter and have concluded that the applicants cannot be considered to be in acute financial distress as to warrant appointment of applicant no.2 on compassionate grounds. The facts admitted in this case also indicate that the family has received a fairly sizeable amount of retirement benefits and also a reasonable family pension. In the circumstances there are no good grounds for the Tribunal to interfere with the decision of the respondents, which has been taken after considering all the aspects of the matter. In the circumstances, the application is devoid of merit and is accordingly rejected.

There shall be no order as to costs.



(K. MUTHUKUMAR)
Member(A)