

(b)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 2116/95

New Delhi this the 30 th day of May, 96

1. Mr. Maharaj Singh,  
S/o late Shri Likhi Ram,  
R/o Vill- Bhanotta (Dadri),  
PO- Kharri,  
Distt. Ghaziabad (UP).
2. Mr. Pratap Singh,  
S/o late Shri Likhi Ram,  
R/o Village - Bhanotta (Dadri),  
PO-Kharri,  
Distt. Ghaziabad (UP).
3. Mr. Raj Singh,  
S/o late Shri Likhi Ram,  
R/o Village- Bhanotta (Dadri),  
PO - Kharri,  
Distt. Ghaziabad (UP).
4. Mrs. Santra Devi,  
W/o late Shri Likhi Ram,  
R/o Village - Bhanotta (Dadri),  
PO - Kharri,  
Distt. Ghaziabad (UP). ... Petitioners.

By Advocate Shri B.T. Kaul.

Versus

1. Union of India through  
the Secretary,  
Ministry of Urban Development,  
Nirman Bhawan,  
New Delhi.
2. The Director of Printing,  
Nirman Bhawan,  
New Delhi.
3. The Manager,  
Govt. of India Press,  
Minto Road,  
New Delhi. ... Respondents.

By Advocate Shri B.Lall.

O R D E R

Hon'ble Shri R.K. Ahooja, Member(A).

The applicants have come before the Tribunal  
since the respondents have rejected their representations  
for appointment of one of them on compassionate grounds

24

(1)

allegedly in contravention of the instructions of the Govt. of India on the subject. The husband of Applicant No. 4 and father of Applicant No. 1 to 3 was the employee of the respondents at the time he died in harness on 4.10.1994. The applicants claim that due to the indigent and difficult economic condition of the family, a representation was made for compassionate appointment of a family member.

2. Since the respondents had failed to consider their request, the applicants had filed an application (O.A. No. 21/95). In its order dated 17.4.1995, the Tribunal gave a direction that the respondents shall consider the applicant's representation dated 31.8.1994 in the light of the relevant scheme for compassionate appointment of a near relative of deceased Government dated 9.12.1993 and communicate the decision to the applicant by a speaking and reasoned order within a period of two months from the date of receipt of a copy of the order. The applicants now alleged that the respondents have rejected their representation without application of mind and on the basis of reasons which are not relevant in the eyes of law.

3. Shri B.T. Kaul, learned counsel for the applicants, drew my attention to the letter dated 1.6.1995 (Annexure A-1), addressed to Applicant No. 1 by the Assistant Director, Directorate of Printing. In the said letter, it has been stated that in accordance with the direction given by the Tribunal, the case for compassionate appointment was considered but it could not be accorded ~~to~~ because Applicant No. 1 has got his own family consisting of himself, his wife and three daughters. In the circumstances, when there are five members in his family, it is not likely that

(8)

he will look after his younger brother and younger sister. Furthermore, since the elder son was married, his mother could have asked for the employment of the younger son, Applicant No. 2, whose date of birth is 10.2.1967. But as this was not done, it was quite likely that he was also doing some work. The learned counsel for the applicants argued that even if it is ~~expected~~ that Applicant No. 1 could not be considered for the compassionate employment, then the respondents could not come to the conclusion that ~~none~~ else in the family was eligible; in fact, the very terms in which the reply has been framed indicates that the respondents were prepared to offer the Applicant No. 2 a job if the request for the same had been made. The learned counsel submitted that the mother had asked for the employment of any member of the family as is evident from the copy of the letter dated nil (Annexure A-3).

4. The learned counsel for the respondents in reply submitted that the Government instructions regarding compassionate appointment provide for compassionate appointment to the son or daughter of a Government servant who dies in harness leaving his family which is really in need of financial assistance when there is no earning member in the family. In the present case, the elder son had his own family consisting of five members and it could not be assumed that he had no source of income being dependent on his father. Furthermore, as had been clarified in the counter, the family had received a sum of Rs. 77,482/- by way of terminal benefits as well as family pension of Rs. 1628/-. The family has also got their own house in Bhanota (Dadri), PO Khari, District - Ghaziabad(UP) where their family was living. The learned counsel also submitted

(9)

that there were many other cases for compassionate appointment. Out of 149 such cases deserving for compassionate appointment upto 1992, so far only 35 could be provided such appointment.

5. I have given my careful consideration to the arguments advanced by the learned counsel on both sides and the pleadings on record. The application dated 9.12.1992 (Annexure A-3) as well as representation dated 31.8.1994 (Annexure A-4) had been submitted by the Applicant No.1, Maharaj Singh. The direction given by the Tribunal in O.A. 21/95 was also that the respondents should consider the representation dated 31.8.1994. It is admitted that Maharaj Singh is married. He has got three children of his own. There is thus no question of/dependency on his late father and the respondents cannot be accused of contravention of the instructions in rejecting the claim of Maharaj Singh for compassionate appointment. Even in the copy of the second application annexed at Annexure A-3 which is purportedly ~~then~~ written by the mother, the Applicant No. 4, there is no mention about the appointment of the second son Pratap Singh. I am unable to agree with the arguments advanced by Shri B.T. Kaul, learned counsel for the applicant, that the family living in the rural area would normally look at the elder son for support and succour at the time of difficulty and it was in this context and as per tradition that they ~~had~~ sought the employmen~~t~~ for the elder son. I ~~could~~ <sup>can</sup> ~~not~~ agree with the learned counsel that since the respondents had the particulars of the whole family, they could themselves have taken initiative to consider the second son Pratap Singh for compassionate appointment. Shri Kaul took pains to establish that the conclusion of the respondents about the employment status of the second applicant

(10)

Pratap Singh was based only on surmise and had no basis whatsoever in terms of facts. In my view, had the applicants been interested for the employment of Pratap Singh, they would have at least made this effort in the representation dated 31.8.1994. But they failed to do so. It was this representation, as has been observed above, which the Tribunal in its order dated 17.4.1995 had directed the respondents to consider.

6. Even otherwise on merits, I do not find that the decision of the respondents is irrational. The applicants have not denied that the family owns a house. The widow is in receipt of pension of Rs.1628/- per month. She has also received the terminal benefits. The compassionate appointment is for over coming the economic priviation of the family which is left ~~in~~ <sup>in</sup> indigent and difficult circumstances by the deceased Government servant. The present case does not come within the ambit of this provision.

7. On the basis of the above discussion, the application is dismissed. There is no order as to costs.

R.K. Khooja  
(R.K. Khooja )  
Member (A)