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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

...

O.A. No. 360 of 1995

Dated New Delhi, this 06th day of September, 1995

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

1. Shri Narendra Kumar  
S/o Shri Raghunandan  
D-57, Ahalya Bai Road  
Minto Road  
DELHI

2. Smt. Sushila Devi  
W/o Late Shri Raghunandan  
D-57, Ahalya Bai Road  
Minto Road  
DELHI

By Advocate: Shri D. R. Gupta

... Applicants

versus

1. Union of India, through  
Secretary  
Ministry of Urban Development  
Nirman Bhawan  
NEW DELHI

2. The Director of Printing  
Ministry of Urban Development  
Nirman Bhawan  
NEW DELHI

3. The Assistant Manager (Adm/Estates)  
Government of India  
Ministry of Urban Development  
Government of India Press  
Minto Road  
NEW DELHI-110002  
By Advocate: Shri B. Lall

... Respondents

O R D E R (Oral)

Shri K. Muthukumar

This application is directed against the order of the respondents dated 9.2.95 (Annexure A-1) rejecting the request of applicant No.2 for compassionate appointment of her third son who is applicant No.1 in this case. The applicants allege that the respondents have failed to follow the government instructions regarding compassionate appointment

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of the wards of government servants who die in harness. It is also alleged that the respondents have not duly considered the facts brought out in the request for compassionate appointment of third son of the applicant No.2 and have rejected the request without appropriate appreciation of the circumstances for the applicants and the hardship faced by them due to the death of the government servant. The applicants have, therefore, prayed that a suitable direction be issued to the respondents to appoint applicant No.1 to a suitable post in Group 'D' category commensurate with the qualification on compassionate grounds. There is also a prayer to direct the respondents to regularise the accommodation to third son after compassionate appointment.

The respondents have strongly resisted the application and have brought out that the respondents have considered the details given in the proforma regarding employment of dependents of government servants dying while in service including service rendered by the deceased government employee. The respondents have stated that considering a large number of applications on similar grounds, respondents have evolved a scheme in compliance with the judgements of the Tribunal according to which many deserving cases are being considered in accordance with the guidelines under the scheme. Respondents have also stated that two elder sons of the applicant No.2 are gainfully employed - one of whom is actually employed in a Public Sector Bank and the other in a shop. It is also stated that terminal benefits amounting to Rs.1.88 lakhs.

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have been paid to the applicant No.2 besides the normal family pension plus D.A. amounting to Rs.1900/-p.m. In view of these facts, the case of the applicant was duly considered and the respondents have come to the conclusion that her family could not be treated to be in any indigent condition, and, therefore, cannot be treated as a deserving case for compassionate appointment.

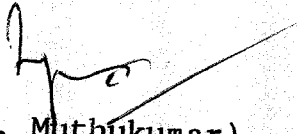
The learned counsel for the applicants strongly pleads that although two are employed, one of them is seriously handicapped and unable to maintain the family <sup>/and provide</sup> monetary assistance and the other son who is in a shop is also similarly placed and, therefore, considering the present cost of living in a city, it will not be possible to sustain the family burden. The respondents have not taken all these circumstances in detail, but have simply rejected the request of the applicant on the ground that two of the sons of the applicant No.2 are employed and that she has received the terminal benefits.

In this case of request for compassionate appointment, it is seen that the respondents have drawn up a regular scheme for consideration of such requests. It is also stated that they are faced with a large number of such applications and they have to consider only the more deserving cases having regard to the size of the family and the circumstances in which the government servant died and other relevant factors. In view of this, guidelines have been framed <sup>by the</sup> respondents. It is seen that the respondents have duly considered the factual circumstances and the financial background of the applicant No.2 before rejecting

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the request of the applicant No.1 for compassionate appointment. It cannot be said that there has been no application of mind while rejection is made. Taking into account the law laid down by the Supreme Court in matters of compassionate appointment, it cannot be held that the applicant has vested right for compassionate appointment. Besides, as held by the Apex Court the compassionate appointment is not a benediction to be conferred upon the applicant. Respondents have taken into account the factual circumstances and financial background and other relevant factors and, once these factors are taken into consideration, Tribunal should not normally interfere in its jurisdiction and direct the respondents to appoint the applicant on compassionate grounds.

In the light of the above, I find that there is no ground to interfere with the decision of the respondents. The application lacks merits, and, therefore, the same is dismissed with no order as to costs.

  
(K. Muthukumar)  
Member(A)

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