

12

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 579 of 1995

New Delhi this the 11th day of September 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

Smt. Birma Devi
Wd/ of Late Lakh Ram

2. Omvati Devi
D/o Sh. Lakh Ram
R/o Q.No. G-387 Srinivaspuri
New Delhi - 110 065.

...Applicants.

(By Advocate: Sh. V.P.Sharma)

Versus

1. Union of India through the
Secretary
Ministry of Home Affairs
New Delhi.

2. The Director
Hindi Teaching Scheme
Rastra Bhasa Dept.
Ministry of Home Affairs
CGO Complex
Lodhi Road
New Delhi.

3. The Deputy Director (North)
Hindi Teaching Scheme
Mayoor Bhawan
New Delhi.

...Respondents.

By Advocate: Mrs Raj Kumari Chopra not present)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

This is a second round of litigation for compassionate appointment. Shri Lakh Ram who was the husband of the first applicant and father of the second applicant died in harness on 12.4.91. On behalf of the second applicant, a representation was made for grant of employment assistance on compassionate grounds but the request was rejected with a cryptic order without stating any reason for rejection. This order was assailed by the applicant before the Tribunal in OA No.1972/93. Noting that the order rejecting the claim of the

applicant was non-speaking and cryptic and that the contentions raised in the reply statement could not be used to sustain the impugned order, the Bench disposed of the said application by order dated 28.2.1994 giving liberty to the applicant to make a representation and directing the respondents to consider the representation and to give a speaking order. Pursuant to the above directions, the applicant made a representation on 15.3.1994. The second respondent by the impugned order dated 2.6.1994 again rejected the claim of the applicants for employment assistance on compassionate grounds. It is under these circumstances, the present application has been filed. It is alleged that order is arbitrary and bereft of application of mind.

2. The respondents entered appearance and filed a reply. When the application came up for hearing today, Sh. K.P.Sharma, UDC, Departmental Representative appearing on behalf of the respondents stated that learned counsel for the respondents Mrs Raj Kumari Chopra being engaged before the Supreme Court could not come today. However, I have gone through the pleadings in the case and have heard Sh.V.P.Sharma, learned counsel for the applicant. On a careful scrutiny of the pleadings and the relevant materials, I find that the impugned order at Annexure A-1 turning down the claim of the applicant for employment assistance to the second applicant cannot be faulted. The impugned order is fairly elaborate and has dealt with all the relevant questions. It has been stated in the order that the family has got an earning member since a son of the deceased government servant is a Group-D employee, that the members of the family presently depending on the income of the family are applicants

are 1 & 2, that the rest of the daughters of the deceased government servant have been married off, that the family is in receipt of a sum of Rs. 1133/- as family pension, that the family has received a sum of Rs. 1,17,646/- as terminal benefits, that the family has ^{got} ~~bought~~ a family house of its own, and that with this background, it cannot be held that the family is in indigent circumstances. It has also been stated that even ^{if} ~~after~~ the deceased government servant ^{had} ~~continued~~ in service, he would have retired by now and the income by way of pension would be only Rs. 1500/-. The order, therefore, makes it clear that the death of the government servant did not push the family into indigent circumstances warranting employment assistance to be given to the family for sustenance on compassionate grounds. I am of the considered view that the competent authority has carefully considered the entire facts and circumstances and made a proper assessment of the situation and has rightly held that the background of the applicant(s) did not make them eligible for employment assistance on compassionate grounds. Learned counsel for the applicant stated that while the previous application was resisted by the respondents on the basis of the alleged report submitted, in the impugned order, nothing is stated about the report and about the possession of land by the family and that for this reason, the impugned order has to be set aside.

3. It is true that the respondents in the earlier application raised a contention that the family was in possession of 3 acres of land with irrigation facilities and that in the impugned order nothing is stated about that, but

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15

what is stated in the impugned order itself does not render the order invalid because the decision has been taken in a realistic way on a proper assessment of the situation.

4. In the light of what is stated above, finding no merit in the application, the application is dismissed, leaving the parties to bear their own costs.



[A.V. Haridasan]
Vice Chairman (J)

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