

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

O.A. No. 738 of 1995

New Delhi, dated the 1st February, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)

Mrs. Zubeda Khatoon,  
W/o late Shri Mohamed Yasin,  
Chowkidar - Pass No. 73266797,  
Parda Mandi Remount Training School  
and Depot Parda Mandi,  
P.O. Sarak Dhudli,  
Shaharanpur-247001.  
(U.P.)

..... APPLICANT

(By Advocate: Shri Lalit proxy counsel  
for Mrs. Sarla Chandra)

VERSUS

1. Union of India through  
the Secretary,  
Ministry of Defence,  
South Block,  
New Delhi.

2. The Addl. Director General,  
O/o the Addl. DGRVS (RV-1),  
QMG's Branch, Army HQ.,  
West Block-3, R.K.Puram,  
New Delhi.

3. The Commandant,  
Remount Training School & Depot,  
Saharanpur (U.P.)

4. Shri Ram Kumar Saroha  
Risaldar Major,  
Records-in-charge,  
Remount Training School & Depot,  
Saharanpur (U.P.)

..... RESPONDENTS

(By Advocate: Shri M.K. Gupta)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Smt. Zubeda  
Khatoon has prayed for the grant of  
compassionate appointment to her son Shri  
Khurshid Ahmed.

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2. Shortly stated the husband of the applicant Mohamed Yasin, who was working as Chowkidar in the Civil Deptt., Remount Training School & Depot, Shaharanpur, U.P. died on 15.3.92 at the age of 51 years after having put in approximately 27 years of service as Chowkidar. The applicant's case is that her husband has left behind, not only herself who is <sup>^</sup>this widow but also four sons and two daughters. It is contended that the <sup>elder</sup> ~~elder~~ son Shri Mohsin Ahmed aged 24 is living separately and is perhaps working as Barber and does not help the family in any way. In view of the dire economic distress which is facing the family, the applicant has prayed for compassionate appointment to the second son Shri Khurshid Ahmed aged 21 years.

3. The Respondents in their reply have stated that the case for compassionate appointment of Shri Khurshid Ahmed was <sup>taken up</sup> initially by the Remount Training School & Depot <sup>with the appropriate authority</sup> but the case was rejected by the competent authority as one son of the deceased Govt. servant is already earning <sup>living</sup> ~~and~~ at Muscat. This rejection <sup>is</sup> ~~is~~ <sup>stated,</sup> strictly in accordance with Govt. policy contained in the DPAR's O.M. dated 30.11.93 (Annexure-2). It is <sup>also</sup> ~~is~~ stated that upon a further request for reconsideration of the applicant's case, the same was again considered, <sup>but</sup> ~~is~~ rejected by the Defence <sup>?</sup> ~~?~~ <sup>^</sup>

Ministry as per letter dated 19.8.94. It appears that <sup>upon</sup> a further plea for reconsideration of the case, the Remount Training School & Depot was advised that as the case has already been rejected twice by the Defence Ministry no useful purpose would be served by re-agitating the matter yet again.

4. I have heard Shri Lalit proxy counsel for Mrs. Sarla Chandra for the applicant and Shri M.K. Gupta for the respondents.

5. Shri Lalit has pointed out that the applicant is facing dire economic distress, the monthly pension of Rs.477/- and the DCRG of Rs. <sup>27666/-</sup> that has been paid to the applicant is wholly inadequate for her to discharge her family obligations including the marriage of two daughters.

6. On the other hand Shri M.K. Gupta has shown to me the relevant files maintained by the Resp., from which it is clear that the applicant's case was considered not once but twice by the Respondents, but as there was an earning member in the family namely Shri Mohsin Ahmed, applicant's <sup>elder</sup> ~~son~~ son, the case was rejected.

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7. It is well settled that the Tribunal cannot direct the Respondents to grant compassionate appointment to any particular individual and can at best call upon them only to consider a deserving case for compassionate appointment. In the present case I find that the applicant's case has been considered not once but twice, and no useful purpose would be achieved by directing the Respondents yet again to consider grant of compassionate appointment to the applicant's son Shri Khurshid Ahmed, more particularly in the face of DAPR instructions on the subject.

8. However, Dept. Representative Shri P.N. Choudhury, Asstt. Civilian Staff Officer, Remount Training School & Depot, Army H.Q. who is also present in the court himself states that the Resp. would be willing to consider engaging the applicant's son Shri Khurshid Ahmed as a Daily rated labourer in the Remount Training School & Depot, Saharanpur, U.P. particularly having regard to the fact that the applicant has already put in two and half years as a daily rated casual worker in the past.

9. I note this assurance given by the Dept. Representative and dispose of this O.A. in terms of the assurance so given. No costs.

*S.R. Adige*  
(S.R. ADIGE)  
Member (A)

/GK/