

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.12695

Hon'ble Shri P.T.Thiruvengadam, Member(A)

New Delhi, this 25th day of May, 1995

Ms. Indu Bala  
Do Shri Jawala Prasad  
R/o C/94, Kingsway Camp  
Delhi.

Applicant

(By Ms. Sumedha Sharma)

Versus

Lt. Governor through  
Commissioner of Police  
Government of N.C.T. of Delhi  
Delhi.

The Commissioner of Police  
Police Headquarters  
I.P.Estate  
New Delhi.

The Dy. Commissioner of Police  
Police Headquarters(I)  
I.P.Estate  
Delhi.

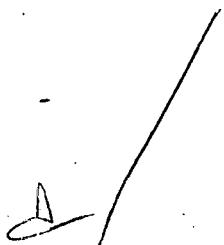
Respondents

(By Ms. Jyotsna Kaushik, Advocate)

O R D E R (Oral)

This OA has been filed praying for a direction that the applicant may be provided with compassionate appointment.

2. The applicant's father was working as a Barber in Delhi Police, and died on 24.9.1993. It is stated that at the time of employee's death only the applicant was married and the applicant's two younger sisters were unmarried. By the time this OA was filed in January, 1995, the other two sisters have also got married. The employee thus left behind him his widow and the three daughters, as mentioned. The application for compassionate appointment for the applicant has been rejected by the respondents vide their letter dated 20.9.1994 (page 12 of the paper book). This



letter states that request for compassionate appointment has been considered but it is regretted that the same could not be acceded to.

3. Learned counsel for the applicant strongly urged that the family has been left in difficult circumstances since the applicant's father died after suffering from TB and the applicant had to incur expenditure towards treatment. The family pension of Rs.700 per month is hardly adequate. Even the terminal benefits which were received to the tune of one lakh had to be spent towards marriage expenses. It is also argued that rejection on the ground that the applicant is married is not tenable.

4. On the other hand, it is the case of the respondents that the family is now not left with any liabilities and all the daughters are married. It is only <sup>the</sup> widow who is left but she can fend for herself with the family pension of Rs.700 per month along with Pensioners Relief thereon.

5. It is also argued that the terminal dues to the extent of morethan Rs.1 lakhs can not be considered to be meagre in the circumstances.

6. Attention was invited to the observations of their Lordships of the Supreme Court in Shri Umesh Kumar Nagpal Vs. State of Haryāna and Others JT 1994(3) SC 525. As per this citation, compassionate appointment is to be considered only where the financial conditions really merit the same. and the crisis could not be met otherwise. It is also mentioned that compassionate appointment is not an entitlement.

(3)

6

7. After hearing both sides, I note that the present legal position is that Courts and Tribunals cannot issue mandamus for compassionate appointment. At best, directions may be given to the respondents to give due consideration taking into account the number of dependants, assets and liabilities left by the deceased employee, the income of the family etc. In the circumstances, of the case, I do not find any grounds to direct the respondents to reconsider the matter. Accordingly, OA is dismissed. No costs.

P.T.Thiru

(P.T. THIRUVENGADAM)  
MEMBER(A)

/RAO/