

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 215 of 1996

New Delhi this the 29th January, 1996

**HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)**

Mrs. Zahida Begum  
widow of Late Shri Mohd. Ilyas  
R/o Quarter No. H-96, Type-A,  
Aram Bagh Colony,  
Pahar Ganj,  
New Delhi.

..Applicant

By Advocate Shri S. Azad

Versus

1. Union of India  
through the Secretary,  
Ministry of Surface Transport,  
Govt. of India,  
Parivahan Bhawan,  
1, Sansad Marg,  
New Delhi-110 001.

2. Secretary,  
Ministry of Surface Transport,  
(Roads Wing),  
Govt. of India,  
Parivahan Bhawan,  
1, Sansad Marg,  
New Delhi-110 061.

..Respondents

ORDER (ORAL)

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

This application is for compassionate appointment. The applicant's husband was working as a Jamadar with the respondents and died on 11.4.1994. The applicant's request for compassionate appointment in favour of her unmarried daughter was not acceded to. The respondents' applicant's states that the son is already employed as a peon in the same department and is an earning member. The respondents have, therefore, denied the request

of the applicant for compassionate appointment of her unmarried daughter. The grievance of the applicant is that the son, who is employed and married, is living apart and is not of any help to the applicant and her daughter.

2. It is seen that the applicant has been given retirement benefits including the family pension amounting to Rs.1,075/- per month by the respondents. The rules, as it stand today as regards the compassionate appointment are that if there is no earning member in the family, then only such appointment could be given. As the applicant's son is employed and is earning, it cannot be said that she did not have anything to fall back, because family pension and other retirement benefits have been granted and that the family cannot be said to be in a state of economic distress. The compassionate appointment, as has been held by the Apex Court in LIC Vs. Asha Ramachandra Ambedkar, JT 1994 (2) SC 183, is not a benediction to be conferred on the applicant in any case. The respondents have carefully considered the request of the applicant and on reference to the highest authority, have also reconsidered, but they have recorded that they have <sup>not</sup> acceded to the request of the applicant as the rules also do not permit in this case for compassionate appointment. The Tribunal in the circumstances, cannot substitute its judgment for that of the respondents and, therefore, cannot interfere in the matter. Accordingly,

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the application is rejected in limine.

  
(K. MUTHUKUMAR)  
MEMBER (A)

RKS