

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.701/96

NEW DELHI, THIS THE 27TH DAY OF OCTOBER, 1999.

HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN

Jai Pal Singh
S/o Sh.(Late) Indel Singh
R/o C-83, Gali No.9,
Pargati Vihar,
NR.Primary School, Gamri Extension,
Delhi-110053.Applicant

(BY ADVOCATE SHRI NAVNEET KUMAR BHARTI)

Vs.

1. The Principal & Medical Superintendent,
Kalawati Saran Children Hospital,
New Delhi.
2. Union of India
Through Secretary,
Ministry of Health,
Government of India,
New Delhi.Respondents

(BY ADVOCATE SHRI V.S.R.KRISHNA)

ORDER (ORAL)

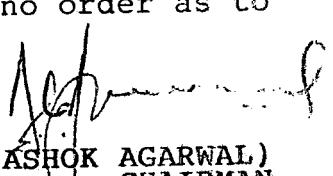
JUSTICE ASHOK AGARWAL:

By the present O.A., the applicant claims employment to the post of a Peon in the first respondent Kalawati Saran Children Hospital, New Delhi. Short facts giving rise to the aforesaid claim are as under:

Applicant's father, one Indel Singh who was employed with the first respondent died in harness on 9.12.1987. Applicant was then a minor. On 14.8.1995 after the applicant had attained the age of majority, his mother applied to the first respondent for employing the applicant to the post of a Peon. The claim was based on compassionate employment. By the impugned order passed on 6.10.1995, the claim was rejected on the ground that the elder brother of the *Shri Rajinder Kumar* applicant was already in the employment of the first respondent as a Peon with effect from 10.11.1986. By the present application, applicant seeks employment to

the post of a Peon. As already stated, he claims compassionate employment on the ground that his father had died in harness.

In my judgement, the claim made in the present application cannot be sustained as the family of the applicant or that of the deceased Indel Singh cannot be held to be in a state of penury. Compassionate employment is granted only to overcome the state of penury the family is placed in on account of the employee dying in harness. As has been pointed out by the impugned order, the elder brother of the applicant was already in the employment of the first respondent even prior to the date of death of Indel Singh. It is pertinent to note that the family of Indel Singh, therefore, cannot be said to be in a state of penury. It is also pertinent to note that the present application for compassionate employment was initially moved by the ^{widow} ~~elder~~ brother of the applicant almost 8 years after the death of Indel Singh. It follows that during the period of these 8 years, both the widow of Indel Singh as also the applicant were supported by the elder brother of the applicant Rajinder Kumar. Applicant, therefore, cannot claim employment on compassionate grounds. Present application, under the circumstances, is found to be devoid of merit and the same is accordingly rejected. There will, however, be no order as to costs.


(ASHOK AGARWAL)
CHAIRMAN

SNS