

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No.731 of 1996

New Delhi: this the 5th day of June, 1997.

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

Pankaj Nigam,

S/o Shri S.M.Nigam,
R/o 248, Donger Mohalla,

Farash Bazar,
Shahdara,

Delhi -110032

.....Applicant.

(By Advocate: Shri K.C.Mittal).

Verus

Council of Scientific &
Industrial Research,
Anusandhan Bhawan,
Rafi Marg,
New Delhi - 110 001 through

its Director General.

..... Respondents.

(By Advocate: Shri Manoj Chatterjee)

JUDGMENT

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

Applicant seeks compassionate appointment on the demise of his father Shri S.M.Nigam, Asstt. Executive Engineer on 6.2.95.

2. Admittedly applicant's father left behind his wife, two sons(including applicant) and daughter. It is not denied that the daughter is married and lives separately and the elder son is gainfully employed. Even according to applicant's own avowment respondents disbursed dues amounting to Rs.7.05 lakhs (respondents themselves state it was Rs.7.5 lakhs) as full and final payment of dues of the deceased, besides gross pension amounting to Rs.3200/-p.m.

3. Applicant in rejoinder has emphasised that respondents while rejecting applicant's prayer for grant of compassionate appointment in the background

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of the above sums said to have been disbursed, did not take into account the liabilities incurred as a result of which applicant and his mother have been left with only Rs.2.5 lakhs from which also considerable expenditure will have to be incurred for various social and family obligations. Applicant's counsel Shri Mittal therefore prayed that respondents be directed to reconsider the matter as per relevant guidelines.

4. In U.K.Nagpal Vs. State of Haryana & Ors, and connected case JT 1994 (3) SC 525 the Hon'ble Supreme Court has held as follows:

"...As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit.... However, to this general rule there are some exceptions carved out in the interests of justice and ... On such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood ... The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family."

5. Even if the social and family obligations of the applicants¹ were to be considered, manifestly it cannot be said that the applicant's family in penury, so as to warrant grant of compassionate

appointment in the present case.

6. Under the circumstance, I see no reason to disagree with the conclusion of the respondents, that this is not a fit case for grant of compassionate appointment. The OA failed dismissed. No costs.

R. Adige
(S. R. ADIGE)
MEMBER(A).

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