

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 1044 of 1997

New Delhi, this the 20th day of February, 1998

Hon'ble Mr. N. Sahu, Member (Admnv)

Smt. Sushila Devi, C-350, Chanakya  
Marg, East Babarpur, Shahdara, Delhi  
-110 032

- APPLICANT

(By Advocate Shri Lingwal)

Versus

1. Union of India, Service through  
Secretary, Ministry of Urban  
Development (Directorate of  
Printing), Nirman Bhawan, New  
Delhi.
2. Manager, Administration, Govt.  
of India Press, Minto Road, New  
Delhi.

-RESPONDENTS

(By Advocate Shri R.P. Aggarwal)

ORDER (ORAL)

By Mr. N. Sahu, Member (Admnv) -

The applicant is aggrieved by an order of respondent no. 2 dated 25.2.1997 (Annexure-G) wherein the respondents conveyed to her that her case for compassionate appointment to her 3rd son is not found to be a fit case, on the ground that the family received about Rs. 3,68,832/- on account of DCRG, GPF, and leave encashment; and the family is also getting Rs. 900/- plus dearness relief which aggregates to Rs. 2430/- per month as family pension. The applicant also owns a residential flat in 150 square meters at C-350, Chanakya Marg, East Babarpur, Shahdara, Delhi where she is living along with her three sons. All the three sons are married. At least two of the three sons are admittedly employed. They are staying in a joint family property bearing no. C-350, Chanakya Marg,

*[Signature]*

East Babarpur, Shahdara, Delhi. Under these circumstances it is submitted that this is not a case of indigence or penury so as to deserve compassionate appointment.

2. The learned counsel for the applicant argued at length that the two employed sons are not looking after the other members of the family. The third son is married and unemployed and has to be looked after. The applicant's husband died after a prolonged kidney illness, as a result of which a substantial portion of retiral benefits was spent. The learned counsel for the applicant has cited the decisions of the Hon'ble Supreme Court in the cases of **Smt. Sushma Gosain & Others Vs. Union of India & others**, AIR 1989 SC 1976 and **Smt. Phoolwati Vs. Union of India & Ors**, AIR 1991 SC 469. In view of the above submissions he claims the relief of compassionate appointment of the third son of the applicant in a suitable post commensurate with his educational qualifications.

3. The learned counsel for the respondents has brought to my notice the latest decision of the Hon'ble Supreme Court in the case of **Umesh Kumar Nagpal Vs. State of Haryana & Ors.**, JT 1994(3) SC 525.

4. The law on the subject of compassionate appointment has been laid down in the case of **Umesh Kumar Nagpal (supra)**. This case lays down the factors to be considered while appointing a person

to a public service on compassionate grounds. Mere death of an employee in harness does not ipso facto entitle his dependents to a compassionate job. The financial condition of the family must be taken into account. A compassionate job can be given only either to Group 'C' or Group 'D' and the basic condition to be seen is the financial condition of the family. The whole object of compassionate appointment is to enable the family to tide over the sudden crises on account of the death of the only bread winner and the only ground which can justify such an appointment is the penurious condition of the family of the deceased Government servant. This consideration for such employment is not a vested right according to the Hon'ble Supreme Court. Keeping the guidelines laid down by their Lordships in the above case, I find that the family pension of Rs. 2430/- per month plus retiral benefits amounting to Rs. 3,68,832/- cannot be considered to be meagre and the family cannot be held to be in abject penury requiring immediate succour by way of compassionate appointment. It is a family in which admittedly two sons are in employment. Under the Hindu Law the sons are legally obliged to maintain their mother as a pious obligation. I am satisfied that keeping in view the guidelines laid down by their Lordships in the case of Umesh Kumar Nagpal (supra) the claim does not bear any further scrutiny and the impugned

order rejecting the claim does not require any judicial interference. The Original Application is dismissed. No costs.

*Narasimha Sahu*  
(N. Sahu)  
Member (Admnv)

rkv.