

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A.No.870/97

New Delhi, this the 10th day of November, 1998

HON'BLE MR.N.SAHU, MEMBER(A)

Shri Satpal Yadav,
S/o Late Shri Ram Singh Yadav,
Ex-Lab/Asstt.,
R/o 276, Rameshwar Nagar,
Gali No.6, Azadpur,
Delhi.

....Applicant

(By Advocate: Shri J.C.Madan)

Versus

1. The Director of Education,
N.C.T..Old Secretariat,
Delhi.
2. The Dy. Secretary(Services),
Services-II Department,
Govt. of N.C.T. Delhi,
5, Shamnath Marg,
Delhi.
3. Shri A.N.Sharma,
Administrative Officer,
Directorate of Education,
Establishment Branch,
N.C.T. Old Sectt. Delhi.

....Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R

HON'BLE MR.N.SAHU.MEMBER(A)

Prayer in this O.A. is for a direction to the respondents to cancel the impugned order dated 26.4.96 and direct the compassionate appointment in favour of the applicant. The applicant is the youngest son of late Shri Ram Singh Yadav, Laboratory Assistant who worked in the Directorate of Education. He expired in harness on 30.4.92. He left behind him his widow and four sons and one daughter. Three sons and the daughter are married. The eldest son Shri Raj Kumar is employed in Delhi Police as a Constable and Shri Gajender and Shri Om Pal, younger to Shri Raj Kumar are stated to be

Sanjay

in private service.

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2. The applicant applied for the post of LDC on 30.7.92. Typing test was taken and on 18.9.92. after two earlier unsuccessful attempts. He qualified in the typing test. It has come on the record that the two sons of late Shri Ram Singh Yadav namely Raj Kumar and Om Pal are residing separately.

3. The respondents found the claim that the late father was the only earning member of the family was wrong because of the above facts. Since all the members of the family except the applicant are earning and the applicant's sister having got married, there was no justification for a compassionate appointment. It is further stated that the widow received Rs.1.01.587/- towards terminal benefits alongwith a monthly pension of Rs.750/- plus Dearness Allowance on pension.

4. Ld. counsel for applicant submits that the applicant's case has to be considered sympathetically because all his brothers are living separately and are married and there is no one to look after the mother. The amount of terminal benefits received was not adequate and has already been spent out.

5. I do not see any justification for the claim. The question that would arise is how the applicant survived these six years after the death of his father. However, in the conduct of the respondents, there has been considerable delay and ambiguity. The facts stated by them were available even on the first day of the

Ram Singh

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application. There is no justification for the respondents to keep the matter pending for a period of two years since he has already been type-tested.

6. In the circumstances of the case and in view of the law laid down by the Hon'ble Supreme Court in the case of Umesh Nagpal vs. State of Haryana - JT 1994 (3) SC 525. such a belated claim for compassionate appointment cannot be considered.

7. The O.A. is dismissed. No costs.

N. Sahu
(N. Sahu)
Member (A)

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