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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO.2520/94

New Delhi, this the 16th day of August, 1995

Hon'ble Shri J.P. Sharma, Member(J)

Smt. Prem Lata,
w/o late Shri Ramesh Chand
r/o 16/32, Pearcey Lal Road,
Karol Bagh,
New Delhi.

... Applicant

By Advocate: Shri R.S. Rawat, proxy for
Shri Mahesh Srivastava

Vs.

1. Union of India,
through the Secretary,
Govt. of India
Ministry of Agriculture
(Dept. of A.H. & Dairy)
Krishi Bhawan,
New Delhi.

2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi.

... Respondents

By Advocate: Shri Madhav Panikar

ORDER (ORAL)

The deceased was employed with Delhi Milk Scheme and he expired while in duty with the respondents on 29.12.90. Smt. Prem Lata is the widow, the legal representative and she has got 4 children who are minor. She has claimed the amount of DCRG due to her late husband having put in service with the respondents and also prayed for the grant of family pension.

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She has also prayed for appointment on compassionate grounds as the family is indigent circumstances and the sole bread winner of the family has died at the age of 37 years and 4 children had to be fed up as the amount of pension is short in these hard days.

The respondents contested this application and stated that the deceased was responsible for short/non deposit of sale proceeds of Rs. 61,004.90 paise collected by him from time to time from D.M.S. milk baths. In addition a sum of Rs. 21,740/- is also recoverable from the applicant towards licence fee/damage charges etc. in respect of Govt. accommodation occupied by the family of the deceased Govt. servant. Due to all these outstanding dues there has been delay in finalising the family pension to the widow of the deceased employee. The amount of insurance has already been paid and on provisional basis, the family pension has also been paid but could not be continued as per Rule 80A(3) of CCS(Pension)Rules for a period beyond six months from the date. This provisional pension has since been restored and paid vide cheque dated 24.3.95. Regular family pension has also been processed. Regarding compassionate appointment to the widow, it is said that there is no available vacancy in Group 'D' post against which the applicant can be considered and the Department of Agriculture has been requested about 3 years ago

in 1991 to consider the case of the applicant on compassionate grounds in any of its subordinate office but till date no such reply has been received. The applicant has also filed the rejoinder. The applicant has taken the stand that during the life time of the deceased employee the respondents have not conveyed regarding the short deposit of Rs.61,004.90 paise. The details thereof have also not been furnished as to how the amount of Rs.61,004.90 has been arrived at is not shown by breakup of the deposits as and when it was due as the deceased employee did not deposit the same during the life time. Regarding the accommodation it is said that the applicant has moved for appointment on compassionate grounds and as such can retain the accommodation.

4 Heard the learned proxy counsel Shri R.S. Rawat for Shri Mahesh Srivastava, counsel for applicant and Shri Madhav Panikar, counsel for respondents.

As regards the provisional pension, now there is no dispute as the respondents in their counter and the counsel also gave a statement at the Bar that the same will be regularised and shall be paid according to rules. During the pendency of the case, a cheque has also been paid to the applicant and the counsel for the applicant has admitted this fact.

As regards the payment of DCRG amount, the respondents are directed to furnish the detailed amount to the applicant and as to how the amount of DCRG is set off against the outstanding non-deposit by the deceased employee. The contention of the applicant's counsel that this amount is disputed cannot be accepted unless and until the applicant in his life time ever raised an objection to the same. In any case the respondents shall furnish the details of the amount to the applicant and if there is any balance outstanding of the amount DCRG due to the deceased employee is now payable to the legal representative, the same shall be paid at the rate of 18% from the date as it has been due from the date of payment. The applicant shall have a liberty ^{to challenge} /the accounting furnished to her by the respondents if that is disputed and that the decision in the case shall be no bar.

As regards the compassionate appointment of the applicant, it appears that the deceased employee died in a young age of 37 and left the liability of 4 children, all minor and a surviving widow. One of the daughters of the deceased employee, it appears to have been married during the pendency of this application and now there are 4 minor children in the family. The respondents

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therefore, to consider the applicant on compassionate grounds taking into account the observation made by Hon'ble Supreme Court in the case of Asha Ramchandra Ambedkar Vs. LIC reported in 1994(2) SC 183.

The application is, therefore, disposed of with the above observations leaving the parties to bear their own cost. The respondents to convey the account to the applicant of the deduction, if any, from the DCRG within one month from the date of this order. The respondents shall also consider expeditiously the application for compassionate appointment of the applicant or any of the sons if he gets majority by the time and convey the same within 3 weeks from the date of this order. The family pension shall be payable as per the statement given by the learned counsel for respondents and the averment made in the counter on regular basis to the family of the deceased.

J. P. SHARMA
(J. P. SHARMA)
MEMBER(J)

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