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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

DA 43/1994

New Delhi, this 5th day of July, 1994.

Shri C.J. Roy, Hon'ble Member(J)

Smt. Gangotri Devi
w/o late Shri Sheshnath Singh
r/o S-505, School Block
Shakarpur, New Delhi

.. Applicant

By Advocate Shri A.K. Bhardwaj

Versus

Union of India, through

1. The Secretary
Min. of Defence Production
Central Secretariat, New Delhi

2. The Director General
Ordnance Factories
10, Auckland Road
Calcutta

3. The General Manager
Ordnance Factory
Ruradnagar, Dt. Ghaziabad,
UP, 201206

.. Respondents

By Advocate Shri V.S.R. Krishna

ORDER (oral)

Heard the counsel for the parties. The applicant is the wife of the deceased Government servant who died in harness on 31.5.93 while working as Fireman Grade II with Respondent No.3, just prior to 6 months of his superannuation. She has prayed for compassionate appointment on the ground that she has a minor daughter. It is an admitted fact that she has received terminal benefit of Rs.96,764 and that she was receiving a family pension of Rs.1133/- per month which was subsequently reduced to Rs.650/- per month. She made a representation for compassionate appointment which was rejected by Annexure A- letter dated 3.9.1993 on the ground that the terminal benefit and the pension given to her is sufficient. The counter also more or less says the same vis-a-vis saying that the applicant is not qualified for compassionate appointment due to lack of education, i.e.

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(7)

fifth class.

2. Compassionate appointment is not a matter of right. It is also the case of the applicant that she has received a substantial amount and she is receiving pension every month. However, this is not the only ground that gives the right to the respondents to reject compassionate appointment without considering other aspects also. It is not unusual for every individual who dies in harness to receive some payment of terminal benefits but that can not be made a ground to reject otherwise a deserving case for compassionate ^{relaxation} on the ground of indigent circumstances.

Q 3. Under the circumstances without quashing the order already passed vide Annexure A, though in similar case it is quashed by other courts, I intend to give the following direction.

4. The respondents are directed to reconsider the case of the applicant on the facts other than that of terminal benefits and pension that is being given to her and pass a speaking order within two months from the date of receipt of this order by them.

O The OA is thus disposed of. No costs.

W. Roy
(C. J. Roy)
Member (J)
5.7.94

/tvq/