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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A. No.604 of 1994

This 18th day of August, 1994

Hon'ble Mr. A.V. Haridasan, Member (J)

Smt. Sunehri Devi,
W/o Late Shri Sukhi Ram,
Postal Assistant, Hansi Post Office,
R/o Vilalge Daga Kalan,
Tehsil Hansi, District Hissar (Haryana) ...

2. Shri Mool Chand,
S/o Late Shri Sukhi Ram,
R/o Village Daga Kalan, Tehsil Hansi,
District Hissar (Haryana). Applicants

By Advocate: Shri R. Dayal

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Union of India, through:

1. The Secretary,
Ministry of Communications,
Department of Posts, Daktar Bhavan,
parliament Street,
New Delhi.
2. The Post Master General
Haryana Circle,
Ambala Cantt.
3. The Senior Superintendent of Post Offices,
Hansi Division,
Hissar (Haryana). Respondents.

By Advocate: Shri M.M. Sudan

O R D E R (Oral)

(By Hon'ble Mr. A.V. Haridasan, M(J)

This is an application filed under Section 19 of AT Act, 1985 with a prayer for ^adirection to the respondents, particularly respondent No.2, to appoint the applicant

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No.2 on a suitable job on compassionate grounds. The applicant No.1 is the widow and the applicant No.2 is the son of the deceased, Sukhi Ram, who died in harness on 15.2.1993 while serving as a Postal Assistant. The late Sukhi Ram on his death left behind the first applicant (wife), three major sons who are married and settled, 2 married daughters and the applicant (son) who was also married and having three children. After the death of Sukhi Ram the applicants made representations to the Department claiming employment assistance to the second applicant on compassionate ground. This request was considered and rejected by the respondents (annexure A-1) and the decision not to extend the benefit of compassionate employment was communicated to the applicant wherein it was stated that the family was not in indigent circumstances since all the members of the family were employed. Aggrieved by that communication the applicants have filed this application.

2. The respondents in their reply have contended that all the sons of the deceased, Sukhi Ram, are married, and that the family has received Rs.48,000/- as DCRG, Rs.34,156/- towards CGEIS, Rs.24,023/- as GPF balance and Rs.4096/- as leave encashment in addition to ~~which~~ a monthly pension of Rs.800/- plus usual DA. It has been contended that the family is in possession of a residential house and land extending to 13 canals and 4 ^{miras} ~~malas~~ and that taking into account all these assets and

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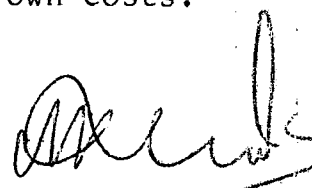
the absence of liabilities, the Committee has considered the case as not deserving employment assistance on the respondents compassionate ground. According to the decision taken by the Committee cannot be said as unreasonable or perverse requiring judicial interference.

3. Having perused the pleadings and the materials available on record and having heard the learned counsels for the parties, I am of the considered view that the decision taken by the respondents that the family is not under indigent circumstances warranting employment assistance on compassionate grounds is perfectly justified. The scheme of compassionate employment was formulated with the intention of saving the family of a government employee dying in harness, from extreme poverty and starvation. It was not the intention behind the scheme to provide employment assistance to all the dependents of a government servant who dies in harness. The Hon'ble Supreme Court in Auditor General of India vs. Anantha Rajeswara Rao has held that compassionate employment can be justified only in cases where a government servant dies in harness leaving the family in indigent circumstances, without any other earning member in the family, and that in all other cases grant of compassionate appointment to the dependents of the deceased government employee would be violative of Article 16(2) of the Constitution of India. Here is a case where three sons of the deceased other than the applicant No.2, who are admittedly independent earning and settled in life. Two daughters of the deceased also have

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got married and settled. The second applicant himself has got married and is having three children. It cannot be presumed that the second applicant got married and burdened himself with children expecting to live out of the earnings of his deceased father. The family has got apart from residential house, landed property and terminal benefits of the deceased, Sukhi Ram totalling to about Rs.1.00 lakh. In addition to this, the widow of the deceased is in receipt of a monthly family pension. Considering these facts and the fact that the family has no other liability and going by the ^{general} standard of our country, I am of the considered view that the family is in a position to stand on its own legs without any outside assistance.

4. In this factual background and in the light of the judgment of the Hon'ble Supreme Court cited above, I find little merit in this application and accordingly I dismiss the same leaving the parties to bear their own costs.


(A.V. Haridasan)
Member (J)