

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH ,
NEW DELHI.

O.A.No.605/94

New Delhi: January 19,1995.

HON'BLE MR. S.R.ADIGE , MEMBER (A)

1. Smt.Mam Kaur wd/o Late Shri Kartar Singh,
 2. Chand Kiran s/o Late Shri Kartar Singh,
Both residents of village Mohilla Chopal
repala, Muradnagar, Distt. Ghaziabad (UP)
- By Advocate Shri Yogesh Sharma, proxyApplicant,
for Shri V.P.Sharma

Versus

1. Union of India through
The Secretary,
Ministry of Defence,
Govt. of India,
New Delhi.
 2. The Director General,
Ordnance Factory Board,
Ayudh Bhawan,
10-A Auckland Road,
Calcutta (WB).
 3. The General Manager,
Ordnance Factory , Muradnagar,
Distt. Ghaziabad (UP)
-Respondents.
- By Advocate Shri V.S.R.Krishna.

JUDGMENT (ORAL)

In this application, Smt. Mam Kaur, wd/o
Late Shri Kartar Singh, Truck Driver Labour 'B',
Muradnagar, has prayed for compassionate appointment
to her son Chand Kiran- applicant No.2.

2. From the materials on record, it appears
that applicant Smt. Mam Kaur's husband expired
while in harness on 4.2.88. Her family consists
of herself, two sons; one of whom works as a labourer
earning Rs.20/- per day and another son , who is also
working as a labourer, earns Rs.15/- per day.

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2. The respondents in their reply state that before granting compassionate appointment, the applicants' financial condition had to be considered, which did not justify the same as the applicant has her own pucca house consisting of two rooms in 100 sq. yards and she is in receipt of Rs.919/- per month in addition to the terminal benefits that were paid to her.

3. While applicants' counsel Shri Yogesh Sharma argued that this was a fit case for compassionate appointment, as the deceased employee's widow had a large family, ^{none of} ~~one~~ of whom were regularly employed, at any rate in Govt. service, Shri Krishna reiterated that the applicants' case had been carefully considered, but did not satisfy the criteria of indigence for granting of compassionate appointment. In this connection, he invited my attention to the Hon'ble Supreme Court's ruling in LIC Vs. Mrs. Asha Ram Chander Ambedkar (JT 1994(2) SC 183), which states that the High Courts and Tribunals cannot direct the authorities to grant compassionate appointment, and can at most ask them only to consider the matter. However, during arguments, Shri Krishna very fairly conceded that having regard to the facts and circumstances of the case, the respondents would have no objection in reconsidering the case of the applicants for grant of compassionate appointment.

4. Under the circumstances, the application is disposed of with a direction to the respondents ^{to} ~~to~~ consider the case of the applicants in the light of the available facts and circumstances of the case

and take a final decision in the matter within three months from the date of receipt of a copy of this order. No costs.

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(S.R.ADIGE)
MEMBER(A)

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