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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO.698/94

New Delhi, this the 7th day of July, 1995

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

1. Suhagwati,
w/o late Prem Nath,
57, Jahangir Road,
Minto Road,
New Delhi.
2. Ajay Kumar,
s/o late Shri Prem Nath,
57, Jahangir Road,
Minto Road,
New Delhi.

... Applicant's

By Advocate: Mrs. Sarla Chandra

Vs.

1. Union of India
Director of Printing,
Ministry of Urban Development,
Nirman Bhavan, New Delhi.
2. Manager,
Govt. of India Press,
Minto Road, New Delhi.
3. Asstt. Director (A-III)
Govt. of India,
B Wing, Nirman Bhavan,
New Delhi.

... respondents

By Advocate: Shri VSR Krishna

O R D E R (ORAL)

The applicants jointly filed earlier
O.A.No.2157/92 for compassionate appointment of
one Ajay Kumar, applicant No.2 and that application
was disposed of by the Principal Bench by the
order dated 13.4.93 remanding the matter for
re-consideration by the Assistant Director or
the competent authority and the order passed
rejecting the claim of Ajay Kumar dated 27.7.90

was quashed. The respondents again considered the matter in the light of the observation in the judgement referred to above that the applicants are still aggrieved of the same and filed this S.A. in March, 1994 praying for quashing of the order dated 13.7.93. A perusal of the order goes to show that the respondents have taken into account two surviving major earning members who are sons of the deceased servant as the main basis for rejecting the claim for Applicant No.2. The respondents have also contested this application opposing the grant of the relief of compassionate appointment of Shri Ajay Kumar on a number of grounds. No rejoinder has been filed by the applicant.

I heard the learned counsel for the petitioner Mrs. Sarla Chandra and the counsel for the respondents Shri V.S.R. Krishna. It is sorry state of affairs that the respondents inspite of directions given in the earlier order dated 13.4.93 did not properly scrutinise and screen the family of the deceased employee whether that can be categorised as an indigent family needed immediate rehabilitation while

giving compassionate appointment to one of the wards of the deceased employee. Merely because certain retirement benefits have been paid to the deceased family or that elder sons of the deceased are earning members could not deprive the claim for compassionate appointment to the ward of a deceased employee, if the family still continues to be indigent. By advancing age of surviving sons the strength of family may also get increased and forcing the liabilities on the earning sons, and that has to be taken into account as a primary responsibility of the earning son of his own family not of the surviving family of the deceased employee. It goes to show if a surviving earning member of the deceased family is well placed and he has no liability to discharge then that will be a case where he may be said to be a helping hand to the family of the deceased. This fact is totally missing from the impugned order. This fact has also not been considered in the reply filed by the respondents. Though the court cannot sit as an Appellate authority and adopt its own evalution regarding the indigent nature of the family of the deceased, yet

surrounding circumstances have to be considered as to whether the rejection of the claim is justified or not. The learned counsel for the respondents has rightly conceded that the matter may be sent back to the respondents to consider this matter.

In view of this, the impugned order dated 13.7.93 is quashed and the matter is remanded to the competent authority to consider the case of the Applicant No.2 Ajay Kumar taking into account that one of the wards who survives the deceased employee Shri Suresh Kumar is said to be incapacitated suffering from disability and that two elder sons who are said to be having their own vacation whether they are well placed and can also maintain the family of the deceased employee considering the status of the family and the units in the family who have to be fed by those earning sons. The respondents have to take into account the circular of Ministry of Personnel of 1987 as well as of September, 1992. The latest circular lays down that merely because terminal benefits have been awarded to the deceased family could not by

itself a ground to reject the claim or that if there is an earning member in the family that by itself will not be a ground to reject the claim. The respondents have to take an objective view of the matter regarding the status of the family and whether the earning member of the family can spare adequate funds for the maintenance of the family of the deceased.

It has been pointed out that in the Govt. of India Press there is a scheme under which a large number of persons are already in the waiting list for compassionate appointment. The question here is not of immediate rehabilitation of the family but that if like others Applicant No.2 is found to belong to an indigent family is also entitled to be enlisted in that list as per norms of priority adopted by the respondents, Govt. of India Press.

In view of the above facts, this application is disposed of after quashing the order dated 13.7.93 with the direction to the respondents to consider the case of Applicant No.2 on merits in the light of the observation

made in the body of this judgement as well as
O.M. of Ministry of Personnel of 1987 and
September, 1992. Cost on parties.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)

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