

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI



O.A. NO. 781/94

New Delhi this the 29th day of July, 1994

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

Smt. Yashoda Rani W/O Late
Shri N. N. Sharma,
House No. 2682 Choori Walan,
Delhi - 110006.

... Applicant

By Advocate Ms. Sarla Chandra

Versus

1. Union of India through
the Joint Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.

2. The Director,
Directorate of Printing,
1st Floor, Nirman Bhawan,
New Delhi.

3. Assistant Manager (Admn.),
Govt. of India Press,
Minto Road, New Delhi.

... Respondents

By Advocate Shri J. C. Madan for Shri
P. H. Ramchandani, Sr. Counsel

O R D E R

In this application, Smt. Yashoda Rani has prayed for compassionate appointment for her son, Vijendra Nath Sharma, consequent to the death of her husband, N. N. Sharma, UDC, Government of India Press, Minto Road, New Delhi, on 10.6.1986 while in harness at the age of 50 years.

2. Admittedly, Smt. Yashoda Rani has three sons, two of whom are married. She claims that both the married sons are living with their wives and children separately, and it is only the third son, Vijendra Nath, who is unmarried and living with her. She has prayed for compassionate appointment for Vijendra and

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she alleges that the other two sons are not looking after her and, moreover, the second son is not working and is living with his in laws together with his family.

3. The respondents have pointed out that the applicant had already filed a similar application before the Tribunal bearing O.A. No. 1819/90, which was disposed of vide judgment dated 13.5.1992 (Annexure-A to the reply). Subsequently as per directions of the Tribunal the respondents re-considered the request of the applicant and informed her of their decision vide letter dated 22.12.1993 (Annexure-C). The respondents further state that the applicant has concealed the fact that her husband did not leave behind any movable or immovable property, because she herself has mentioned in her O.A. that she is a resident of 2682, Chooriwalan, Delhi-6, which was a property acquired by the late husband. Moreover, it is not possible to believe that her two elder sons are not supporting the family, because under the CGEIS scheme the amount was to be disbursed in equal shares to the three sons, which indicated that there were amicable relations prevailing amongst the family members and hence it could not be stated that the elder sons were not supporting the family. The respondents further state that they have categorically examined the request and found that the two elder sons although living separately, were helping the family and hence, the request for employment of the third son on compassionate grounds was not covered under the rules and informed the applicant accordingly.

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4. The applicant admits having received family pension of Rs.265/- per month plus a lump sum of GPF, gratuity, insurance and leave encashment amounting to approximately Rs.59,000/- vide order dated 10.12.1996 (Annexure A-2).

5. As stated above, the Tribunal in its order dated 13.5.1992 in O.A. 1819/90 had directed the respondents to consider the applicant's case in accordance with the directions contained in the judgment in the case of Satbir Singh vs. Union of India & Ors. wherein directions have been given that a common list of all the pending cases for compassionate appointment be prepared which should be arranged in serial order and the cases for compassionate appointment should be considered in turn as per the said list as and when vacancies arose in any Press in Delhi. However, this decision was made subject to the Tribunal's further judgment dated 4.2.1992 in O.A.2753/90 and connected cases wherein the respondents had been directed to prepare a viable scheme on an all-India basis to give relief in such cases to deserving persons. All the 23 Presses located in various parts of the country were directed to be treated as a 'single unit' for the purpose of making compassionate appointment and in order to give relief to deserving persons, the respondents were directed to reduce the direct recruitment quota. While preparing the scheme the respondents were further directed to give priority to more deserving cases than others having regard to the size of the family, circumstances in which the

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Government servant died, the level of the post which he held and other relevant factors. In pursuance of this judgment, the respondents prepared a scheme and laid down certain criteria, including the number of earning members in the family of the deceased government employee, the amount of terminal benefits received, the number of dependents left, and moveable and immoveable property, if any, possessed by the family.

6. In the light of the criteria referred to above, the respondents have considered the applicant's case and by letter dated 22.12.1993 informed her that her case does not fulfil the criteria laid down. As the directions to the respondents in O.A. 1819/90 vide judgment dated 13.5.1992 were to consider the applicant's case for compassionate appointment, and the case has been considered, it warrants no further interference from this Tribunal. However, this judgment will not operate as a bar to the respondents in considering the applicant's case for compassionate appointment in accordance with rules and the criteria laid down, at any future date.

7. This application is disposed of accordingly.

No costs.

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(S. R. Adige)
Member (A)

/as/