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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH,
NEW DELHI.

O.A.No.1424 of 1994

New Delhi ^{26th} July, 1994.

Hon'ble Mr. S.R. Adige, Member (A)

1. Smt. Parwati Devi,
w/o Late Shri Poli Ram.

2. Kishan Chand,
s/o Late Shri Poli Ram.

Both r/o RZ-311 M/F-328, Raj Nagar,
Palam Colony, New Delhi.

.....Applicants

By Advocate Shri Bisaria

Versus

Union of India

through

Secretary,
Ministry of Defence, South Block,
New Delhi.

2. Engineer-in-Chief,
Army Headquarters,
Kashmir House,
New Delhi

.....Respondents.

JUDGMENT

In this application, Smt. Parwati Devi, and ~~one other~~ ^{her} son Kishan Chand have prayed for a direction to the respondents to consider applicant no.2 for compassionate appointment, consequent to the death of Shri Poli Ram, husband of applicant No.1 who was working as Mate ^{in MES Delhi} and died on 18.8.88.

2. In the O.A., the applicant No.1 admits drawing family pension at the rate of Rs.983/- p.m. and receiving Rs.23160/- as DCRG ; Rs.12,815/- as GPF and Rs.10,000/- as insurance money. The applicant also admits that she has four sons, three of ^{whom} are employed, and one daughter, who is married. She now seeks compassionate appointment for the fourth son.

3. At Annexure-3 to the O.A. is the reply dated 16.9.89 from the respondents to the ^{the} presentation of applicant No.1 for grant of compassionate appointment

to her son. In that reply, it is stated that the case for appointment of Kishan Chand had been considered, but was not found deserving, because three members of the family are already employed. However, if Smt. Parwati herself is interested in ^a job she should forward her willingness immediately for necessary action.

4. Manifestly, the respondents' reply dated 16.9.89 is unexceptional. Three members of the applicant No.1's family are already employed, and there is no case for granting employment on compassionate ground to ^{the} 4th son. In 'Umesh Kumar Nagpal Vs. State of Haryana & others'-JT 1994(3)SC 525, it has been held that as a rule, appointments in the public service should be made strictly on the basis of open invitation of applications and merit. However, to this general rule, there are exceptions carved out in the interest of justice and one such exception is in favour of the dependants of an employee dying in harness, and leaving his family in penury and without any means of livelihood. The whole object of granting compassionate appointment is thus to enable the family to tide over the sudden crisis, and hence an examination of financial condition of the family of the deceased employee is necessary. Only if the authorities are satisfied ^{that} but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to an eligible member of the family.

5. Having regard to the above principle enunciated by the Hon'ble Supreme Court and keeping in view the terminal benefits already received by the applicant in terms of family pension, DCRG, GPF and insurance money, and having regard to the fact that

three out of four sons are employed and her daughter is also married, any direction to the respondents to consider the 4th son of applicant No.1 for compassionate appointment would be wholly unwarranted.

6. The grant of compassionate appointment cannot be stretched to mean that every ~~ward~~ of the deceased employee should secure employment.

7. This application is accordingly dismissed at the admission stage itself.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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