

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1494/94

New Delhi, dated the 22th December, 1994

CORAM

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Smt. Uma Sharma,
late Shri S.K. Sharma,
1-E Reuse Avenue
Near Minte Bridge,
New Delhi

... Applicant

(By Advocate Mrs. Sarla Chandra)

V/s

1. Union of India through
Director, Government of India,
Press, Minte Read,
New Delhi-110002
2. Manager, Govt. of India
Press Minte Read,
New Delhi
3. Estate Officer,
Govt. of India Press
Minte Read, New Delhi

... Respondents

(By Advocate Shri M.K. Gupta)

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant who is widow of late
Shri S.K. Sharma, who was working as Line Operator in
the Government of India, Press, Delhi is aggrieved by
the order dated 30-6-1994 (Ann-VIII) issued by the
respondents rejecting her request that her son,
Shri Sandeep Sharma be given an employment on
compassionate grounds.

(B)

2. The applicant claims that the respondents are totally wrong and incorrect in holding that the widow is not in indigent condition and that her son is not entitled for consideration for compassionate appointment.

3. The brief facts of the case are:-

The applicant's husband, who was working as Line operator, died on 2-1-1994 in office. According to the applicant, he left behind:-

- (1) Applicant - his widow-55 years
- (2) Sandeep Sharma - son - 31 years
- (3) Sangeeta Sharma - Daughter in law - 26 years
- (4) Mansi - grand daughter - 10 months

The applicant had submitted an application on 2-1-1994 requesting for relaxation of the age limit for appointment of her younger son (Sandeep Sharma). The elder son Shri Vijay Sharma, is married and living separately.

The second son, Shri Sandeep Sharma, had started some advertising business and is stated to be dependent on the widow as the business has failed and he is not able to support his family. The applicant is aggrieved by the Ann.VIII order. Hence this OA, in which ^{the} ¹³ applicant has sought a direction to the respondents to employ ¹³ ~~her~~ ~~applicant's~~ son,

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Sandeep Sharma, without any further delay. (Learned counsel for the applicant states that relief (ii) has already been granted and (iii) is consequential relief) on (1) above.

4. Learned counsel for the respondents states that the applicant has no case. Her request that her second son, Shri Sandeep Sharma be appointed on compassionate grounds has been considered by the competent authority and rejected on valid grounds. He has also brought to my attention, another O.M. dated 29-9-1994, relevant paragraph from which is reproduced below:-

"The applicant (widow) has a own house was mentioned inadvertently in para 2 of this Directorate Memo. No. 26/48/94-A.III dated 10.6.1994 and in para 3 of Memo. No. 8/14/94-A-III dated 16-9-94. Inconvenient caused is regretted."

He submits that the competent authority, had however, sufficient material to reject the applicant's request to appoint her 31 year old second son.

5. Learned counsel for the respondents, Shri M.K. Gupta, states that Shri Sandeep Sharma who is 31 years old and having his own family, consisting of wife and child cannot be

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considered to be dependent on his widowed mother.

As per the instructions for appointment on compassionate grounds, the only surviving member of the family of the deceased Govt. servant is the applicant herself. The applicant has been sanctioned family pension of Rs 920/-P.M. plus dearness allowance as applicable under the Rules.

She has also been paid other terminal benefits on the death of her husband amounting to Rs 1,62,355/-.

According to the learned counsel for the respondents, since there are many more similar cases which are more deserving than the applicant's request for appointment of her son, the application deserves to be dismissed.

6. He has also relied on the judgement of this Tribunal in OA No.2291/92 dated 8-7-1993 (Smt. Kulwant Kaur v.UOI) and the judgment of the Supreme Court in LIC v/s Asha Ram JT 1994(2) SC 183.

7. I have carefully considered the arguments of the learned counsel for both the parties and records in this case.

JZ

3. From the scheme of compassionate appointments it is seen, inter-alia, that in making compassionate appointment of sons/daughters/near relatives of a servant deceased government/ who dies in harness, it is to provide immediate assistance to the family of the deceased, when there is no other earning member in the family.

The decision of the respondents in the impugned order dated 30-6-1994 is a speaking order. It is stated that married sons cannot be stated to be dependent members of their widowed mother, who is also getting pension and other monetary benefits which would take care of her day to day requirements. No doubt the respondents state that they have inadvertently mentioned that the applicant has her own house which has now been corrected by the office memo dated 29.9.94. But this by itself does not show either lack of application of mind or that the decision is arbitrary or contrary to the relevant instructions.

9. The applicant has tried to show in the application that her second son, his wife and his daughter are dependant on her. Having regard to the

instructions for appointments on compassionate grounds for dependents of a deceased Government servant and the decision of the Supreme Court in LIC v. Asha Ram (Supra), I am unable to agree that Shri Sandeep Sharma who is a grown up son and his family are dependents of the deceased official. In the facts and circumstances of the case, the decision taken by the respondents is neither arbitrary, illegal or contrary to the Rule/Instructions in this matter in rejecting his claim for compassionate appointment.

10. In the result, I do not find any merit in this application. Accordingly it is dismissed. There will be no order as to costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J)