

Central Administrative Tribunal
Principal Bench

....

O.A. 1901/94

New Delhi, this the 31st Day of May, 1995.

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri B.K. Singh, Member (A)

Thakur

1. Smt. Devi wd/o Late Tika Ram,
2. Tej Pal Singh s/o Sh. Tika Ram, residents of House No. 653, Ambedkar Basti, Near Khajurwali Gali, Ghonda, Delhi-53.

(By Shri V.P. Sharma, Advocate)

....Applicant

Versus

1. Union of India through the Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. The Director General, Ordnance Factory Board, 10-A, Auckland Road, Calcutta.
3. The General Manager, Ordnance Factory, Muradnagar, Distt. Ghaziabad (U.P.)

... Respondents

(By Shri V.S.R.Krishna, Advocate)

Judgement (

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

The applicant No. 1 is the widow of late Shri Tika Ram who died in harness on 11.4.1994 while working in the Ordnance Factory, Muradnagar having rendered 31 years of service and he would have retired on superannuation on 31.7.1996. The applicant No. 2 Shri Tej Pal

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Singh is the son of the deceased employee. The deceased is survived besides the above two applicants by one another son namely Shri Chaman Prakash aged 21 years and daughter Kusum lata aged 15 years who is still student. The retirement benefits paid to the widow of the deceased comes to about a sum of Rs. 1,82,621/- . She is getting Rs. 1312/- per month as family pension. She also have a pucca house consisting of three rooms in 122 sq. yards area. The respondents have rejected the request for appointment on compassionate ground of applicant No. 2 by the order dated 30th August, 1994 observing that both the sons are major and the family owns a pucca house and that the widow would be getting a family pension.

Aggrieved by the aforesaid order, the applicants have filed the present application praying for the relief that a direction be issued to the respondents to the effect that the applicant no. 2 is entitled for appointment on compassionate grounds.

The respondents on notice contested this application and stated that the family is not in indigent circumstances and the respondents have considered the matter of engaging the ward of the deceased employee, the applicant No. 2, but in view of the decision of the Hon'ble Supreme Court of India in the case of Life Insurance Corporation Limited V/s. Asha Ram Chander Ambedkar (JT 1994 (2) SC page 183. The applicant No. 2

could not be favourably considered for compassionate appointment. The respondents have also placed reliance on the decision of Umesh Kumar ^{Nappal} ~~Soel~~ v/s. State of Haryana reported in JT 1994 (3) SC page 325. The respondents, therefore, stated that the applicant has no case.

In the rejoinder filed by the applicants, it is stated that the family is having only a small house and the amount which was withdrawn as terminal benefits has since been spent in paying certain outstanding debts of the family. The family is in pitiable condition.

The learned counsel for the applicant has also filed an affidavit of the applicant No. 2 Shri Tej Pal Singh in which it is further stated that the respondents are not adopting the internal guidelines issued by the Ministry while considering the cases for appointment on compassionate grounds and the respondents are adopting pick and choose practice while giving appointment on compassionate grounds. It is also deposed in the affidavit that the respondents have given the appointment to the wards of the family of the deceased families who have got much amounts of terminal benefits in lakhs and they have got good amount of bank balance and also owns immoveable properties and also maintaining cars. Certain cases have been cited that of Smt. Madhbi Chauhan, Miss Dua, Safoo Dayal, S.K. Sharma and Deepak.

Now, as regards the above noted persons who have been given employment, there is nothing on record to

show that they have got affluent ~~amount~~ ^{means} and they have been preferred while person in more indigent circumstances have been denied appointment. Infact the applicant has to assert all these in the original application so that the respondents should have been given an opportunity to meet the contention. Merely filing of an affidavit after arguments would not justify the stand of the applicants that the action of the respondents in their case is arbitrary.

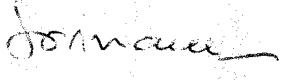
Nothing has been said in this regard in the rejoinder also filed on 27.4.1995. The respondents have considered the matter of the applicants. There are two adult sons, one widow and one minor daughter. The terminal benefits received by the deceased family comes to Rs.1,82,621/- and deceased had about two years to superannuate. The intervention by the Court/Tribunal in the matter of compassionate appointment has been fully laid down by the Hon'ble Supreme Court of India in the above cited cases. The guidelines filed by the applicants laid down by the Ministry of Personnel in the O.A dated 11th May, 1994 also refers to the case of Life Insurance Corporation of India Ltd. (Supra).

The family has to be an indigent family needing almost immediate help for its rehabilitation. The guidelines filed by the applicant goes to show decision to be

arrived at by the respondents. In view of the Army Headquarter's letter dated 8.6.1989 the case of the applicant has been considered.

Going through the whole of the matter, we find that the order dated 30th August, 1994 does not call for any interference and the case is, therefore, dismissed leaving the parties to bear their own costs.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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