

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1194 of 2000

New Delhi, this the 25th day of January, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Miss Aditi Vashish d/o Shri R.A. Vashist
R/o C-108, Anand Vihar,
Delhi-92

(A)
-APPLICANT

(By Advocate: Shri R.A. Vashist)

Versus

Union of India, through

1. Director General, Council of
Scientific & Industrial Research,
Rafi Marg, New Delhi

-RESPONDENTS

(By Advocate: Ms. Anuradha Priyadarshini)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

This O.A. has been filed by the applicant seeking compassionate appointment.

2. Facts in brief are that applicant's mother was working with the respondents and had died on 10.5.99 because of illness. Thereafter the applicant had made a representation dated 3.6.99 seeking appointment on compassionate grounds. The said representation was rejected vide impugned order dated 15/22.3.2000 (Annexure A-1) stating that the competent authority, after considering various factors like number of dependants, quantum of payment received by the family of the deceased employee on account of final settlement and the details of other assets held by the family, had come to the conclusion that condition of applicant's family could not be termed as indigent.

3. Learned counsel for the applicant submitted

K.



that as per the latest judgement of the Hon'ble Supreme Court in the case of Balbir Kaur & an. vs. Steel Authority of India Ltd. & ors., AIR 2000 SC 1596, the retiral benefits such as DCRG, Provident Fund etc. could not be taken into consideration while considering the applicant's case for appointment on compassionate grounds. He stated that the department had erroneously taken into consideration the terminal benefits given to the family of the deceased, otherwise the entire family was living in a one room set and they have no property income. As such, the condition of applicant's family is indigent and she is entitled for compassionate appointment.

4. Learned counsel for the respondents submitted that when the applicant had made representation for compassionate appointment, she had stated that none of the family member was working, however, it was revealed later that brother of the applicant was a Doctor and employed in a private hospital and father of the applicant who was a retired railway employee, was also practicing as an advocate. Besides, they are having a house in a posh locality of Anand Vihar and the family is not in indigent condition.

5. To rebut the arguments of respondents' counsel, learned counsel for the applicant submitted that father of the applicant has joined law profession recently after retirement from Govt. service and

| 6

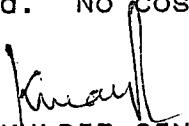
(A)

similarly the brother of the applicant who is employed in a private hospital, has also not much income and as such, the compassionate appointment is much needed and applicant should be considered for the same.

6. I have heard learned counsel for the parties and gone through the records.

7. In view of the fact that brother of the applicant is a doctor and her father is also practicing as an advocate and they are having a house in a posh locality of Anand Vihar, I am of the opinion that condition of applicant's family is not indigent and no case is made out for appointment on compassionate grounds. Even if the amount that applicant's family received towards final settlement in respect of deceased employee is not taken into consideration, the condition of applicant's family in my opinion, cannot be stated to be indigent.

8. Under the circumstances, I find no merit in this O.A. and it is accordingly dismissed. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

/dinesh/