

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 1741/2000

New Delhi the 31st day of October, 2001

HON'BLE SH. SHAKER RAJU, MEMBER (J)

Shri Vineet Kumar,
S/o Sh. Late Shri Richhpal Singh,
R/o 17/384, Kalyan Puri,
Delhi - 110091.
(By Advocate Ms. Savitri Chaudhary
Proxy for Sh. D.S. Chaudhary)

.....Applicant

Vs.

Union of India through :

1. Director General,
Directorate General of Works,
Central Public Works Department,
Nirman Bhavan,
New Delhi-110011.
2. The Executive Engineer,
Safdarjung Hospital Division,
C.P.W.D.
New Delhi.

....Respondents

(By Advocate Sh. K.K. Patel)

O R D E R

The applicant is younger son of the deceased government servant who died in harness on 4.2.93 and has sought for compassionate appointment and further has assailed the order passed by the respondents on 22.6.99 wherein his request has been rejected on the ground that family owns a house in Delhi and there is no liability and got all the funds of deceased government servant and retiral benefits to the tune of Rs. 94,341/- as well as receiving the family pension of Rs. 2371/- per month. The applicant has stated that the deceased family comprised of two sons and widow, one son is separated and living of his own. It is stated that the condition of family is indigenous and they have huge liability. It is stated that the family pension has been reduced to Rs. 1180/- with effect from July 2000 and house provided was on licence by the DDA under JHUGGI Jhopri removal scheme.. Neither the applicant nor mother

of the applicant is owing the same. In this backdrop it is stated that the respondents have passed an order, rejecting the request of applicant for compassionate appointment without considering his representation.

2. On the other hand the respondents have stated that the family has been given specific financial benefits and family had sustained and managed for seven years after the death of Government servant. This shows that the family is not in need of the compassionate appointment and is not indigent one. It is contended that the ratio of apex court judgment in Umesh Kumar Nagpal Vs State of Haryana, 1994 (4) SCC 138 is applicable to the present case is as follows:

3. Right of compassionate appointment by the family, source of entry in government service, it is only the destitute family of the deceased which is indigent is entitled to compassionate appointment. It is also stated that the application is barred by the limitation and also liable to be dismissed as mother of the applicant is not in the memo of the parties.

4. On enquiry from the police and other sources it has been verified that the family has its own house and one son is working and financial benefits have already been given to the family and they are not suffering from financial hardship.

5. Having regard to the rival contentions, in my considered view the applicant is not entitled for the reliefs sought. It is well settled law that the compassionate appointment cannot be claimed as a matter of right. The right is only of consideration as per the scheme formulated by the Government. The basic objective of compassionate appointment is to relieve the family from the financial destitution who has been living in penury and

to over come the financial hardship. The applicant family has been accorded the retiral benefits. The house is also owned by applicant under the Juggi removal scheme by the Government. One son of the deceased is also working and is living separately. The family has survived for 7 years after the death of Government servant. As it has been held in Auditor General of India Vs. G. Anantha Rajeswara Rao 1994 (1) SCC 192 that compassionate appointment cannot be granted by virtue of death and decent alone and is to be given in case the family is in indigent condition and is in need of financial assistance. The compassionate appointment cannot be claimed as vested right to get entry to Government service without following the requisite conditions. As the claim of applicant after due consideration following the laid down procedure was rejected the claim of the applicant, therefore is not legal and valid. I do not find any legal infirmity in the order passed by the respondents

6. In this view of the matter as the applicant fails to make out any case, the OA fails, and is dismissed without any order as to costs.

S. Raju

(SANKER RAJU)
MEMBER (J)

/VCK/