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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1956/2000

New Delhi this the 29th day of September, 2000

Hon'ble Shri V.K. Majotra, Member (A)

Shri Shrikant Tyagi
S/o Late Shri Raj Kumar Tyagi
R/o 1/3014, Gali No. 16,
Ram Nagar Extension,
Near Shanti Building, Shahdara,
Delhi-110032.

...Applicant

(By Advocate: Mrs Rani Chhabra)

Versus

1. Directorate of Education
Govt. of National Capital
Territory of Delhi,
Old Secretariat,
Delhi.
2. Deputy Secretary (Services)
Govt. of National Capital
Territory of Delhi,
Services-II Department,
5, Sham Nath Marg,
Delhi.
3. Education Officer
Zone V, District North East,
Directorate of Education,
B Block, Yamuna Vihar,
Delhi.
4. Principal
Govt. Boys Senior Secondary School,
Shivaji Park, Shahdara,
Delhi.

...Respondents

ORDER (Oral)

By Shri V.K. Majotra, Member (A)

This is an application made against order dated 2.8.2000 passed by Dy. Secretary, Govt. of National Capital Territory of Delhi, Respondent No. 2 informing that the Screening Committee has not found the applicant fit to be recommended for compassionate appointment. Applicant's father was a Trained Graduate Teacher. He died on 3.4.99 leaving behind

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his wife and four children, i.e. the applicant and three daughters, as the eldest son who is stated to be a Bachelor of Education and un-employed.

2. Applicant's case for compassionate employment has been rejected on the following grounds:-

1) The family is in receipt of a monthly pension of Rs. 3498/- apart from the amount of Rs. 9,87,941/- paid on account of the service benefits of the deceased Govt. servant.

2) The family of the deceased Govt. servant also own a residential house, 3 bighas of land and another house in the native village.

3. Learned counsel Mrs. Rani Chhabra has contended that the monthly pension and the lump sum of Rs. 10 lac approximately is on account of the service rendered by the deceased Govt. servant, it should not be taken into account on the death of the breadwinner of the family. He did not leave behind him any other earning member.

4. Under the Scheme for compassionate appointment, mere death of employee does not entitle the dependents to a job. It is the financial condition of the family which has to be taken into consideration. The job on compassionate ground cannot be offered as a matter of course irrespective of the financial condition. In the present case, not only that the family has received all retiral benefits amounting to Rs. 10 lac approximately, the family is also in receipt of a monthly pension of Rs. 3498/- per month. In this background, the respondents have not found the family of the deceased Government employee in any financial hardship.

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5. In the facts and circumstances of the case, its not a fit case for interference by the Tribunal. Accordingly the OA is dismissed in-limine. No costs.

V.K. Majotra

(V.K. Majotra)
Member (A)

cc.