

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.2023 of 2000

New Delhi, this 20th day of April 2001

HON'BLE SHRI M.P.SINGH, MEMBER(A)

Surinder Singh Mehra
S/o Shri Mohinder Singh
Resident of H.No.327
Village & PO Pooth Khurd
Delhi-39 ... Applicant

(By Advocate:Shri U. Srivastava)

versus

1. Union of India, through
The Secretary,
Ministry of Defence
South Block
New Delhi
2. Joint Secretary &
Chief Administrative Officer
Ministry of Defence
C-II Hutmants Dalhousie Road
New Delhi ... Respondents

(By Advocate: Shri Madhav Panikar)

ORDER

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 against the action of the respondents by which they have rejected the claim of the applicant for appointment on compassionate grounds.

2. Briefly, the facts of the case, as stated by the applicant, are that his father was working as Peon in the office of respondent no.2 and died in harness on 6.11.1991. After the death of the deceased employee, the respondents sent a proposal to the mother of the applicant to apply for appointment on compassionate grounds. However, the mother of the applicant also died on



5.6.1992. Thereafter the applicant made a representation for appointment on compassionate grounds. The respondents vide letter dated 8.7.1992 (Annexure A/8) advised the applicant to apply for appointment on compassionate grounds after attaining the age of 18 years. The applicant again made a representation on 27.4.1999 stating the fact that he had completed 18 years of age and prayed for appointment on compassionate grounds. Thereafter he made several representations to the respondents. The respondents vide their letter dated 22.8.2000 rejected the aforesaid prayer of the applicant. Aggrieved by this, he has filed this OA praying for a direction to the respondents to consider his case for appointment on compassionate grounds.

3. The respondents in their reply have stated that the case of the applicant for employment on compassionate grounds was duly examined in the light of the extant instructions and was correctly rejected being devoid of merit. It is settled that the object of the scheme for compassionate appointment to a dependent family member of a Government servant dying in harness is to relieve the family of the Government servant concerned from financial destitution and help it get over the emergency when there is no other earning member in the family to supplement



the loss of income from the bread winner to relieve the economic distress of the members of the family. Since the death of the father of the applicant took place nine years ago and the family has all along pulled through, goes to prove that the family had some dependable means of subsistence and does not require to be further supplemented by compassionate appointment to the applicant in preference to more deserving cases.

4. Heard the learned counsel for the rival contesting parties and perused the record.

5. During the course of the arguments, the learned counsel for the applicant submitted that in similar case, the Tribunal vide its order dated 7.9.2000 passed in OA.2663/99 has issued direction to the respondents to have the matter considered in depth and sympathetically and if found fit grant appointment to the applicant therein on compassionate grounds. On the other hand, the learned counsel for the respondents drew my attention to the judgement of the Hon'ble Supreme Court in the case of Haryana State Electricity Board and Another Vs Hakim Singh (1997) 8 SCC 85 decided on 30.9.1997. In the said case, the Hon'ble Supreme Court has held that "If the family members of the deceased employee can manage for fourteen years after his



death, one of his legal heirs cannot put forward a claim as though it is a line of succession by virtue of a right of inheritance - The object of the provisions is ... to give succour to the family to tide over the sudden financial crisis befallen the dependents on account of the untimely demise of its sole earning member."

6. After hearing both the learned counsel and perusing the record, I find that in this case also the family of the applicant had managed for ten years after the death of the applicant's father. The object of the scheme for appointment on compassionate grounds is to give immediate financial assistance to relieve the family member of the deceased government employee from financial destitution and help it ^{to} get over the emergency. The case of the present applicant is not covered under the guidelines issued by the Government for providing the appointment on compassionate grounds.

7. In the light of the above discussions and also the judgement of the Hon'ble Supreme Court cited supra, the OA has no merit and is accordingly dismissed.


(M. P. Singh)
Member(A)

dbc