

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 373/2000

Wednesday, this the 9th May of 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Soni, S/O Late Shri Khem Chand
Ex-employee of CPWD, R/O Hs. No.445,
Harsh Vihar, Delhi-93.

..Applicant

(By Advocate: Shri S.C.Luthra)

VERSUS

1. Union of India
through The Secretary
M/o of Urban Affairs & Employment
Nirman Bhawan,
New Delhi.

2. Director General of Works
CPWD, Nirman Bhawan,
New Delhi.

3. Chief Engineer (Elec)
CPWD Vidyut Bhawan,
New Delhi.

..Respondents

(By Advocate: Shri A.K. Bhardwaj)

O.R.D.E.R (ORAL)

Heard the learned counsel on either side at length and perused the material placed on record.

2. The applicant herein seeks appointment on compassionate ground in place of his father who died in harness on 25.7.1998 while working as Wireman in Air-Conditioning Div. No.4 in the CPWD. The applicant is 8th class pass and is thus eligible for being considered for appointment against a group "D" vacancy. According to the applicant, the family of the deceased employee is in financial distress and, therefore, his claim deserves to be considered expeditiously.

3. The learned counsel appearing on behalf of the respondents has disputed the claim of the applicant and

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has submitted that the respondents have already rejected the aforesaid claim by a speaking and a reasoned order passed by them on 22.10.1999 (Annexure A-1). According to him, following the death of the aforesaid employee, the widow is getting family pension @ Rs.2095/- PM. Besides, Rs. 311265/- was paid to the family of the deceased by way of retirement benefits. Further, two of the sons of the deceased employee are already admittedly working, one in the LNJP Hospital and the other in the private service. Two of the daughters left behind by the deceased employee are already married. The applicant is also married. The family has their own house in Harsh Vihar. For all these reasons, the learned counsel for the respondents submits that the applicant's claim deserves to be rejected.

4. The learned counsel for the applicant has referred to some of the circumstances brought out in the OA to stress that the family of the deceased employee is in financial distress and, on that ground, the applicant deserves to be appointed on compassionate ~~ground~~ ^{2 basis} in terms of the relevant guide-lines. He also places reliance on the case of Balbir Kaur & Anr. Vs. Steel Authority of India Ltd. & Ors., reported as (2000) 6 SCC 493. The learned counsel has read out the head note in support of the claim of the applicant in the present OA. I have perused the same and find that the facts and circumstances in the present OA and those which obtained in the aforesaid case are materially different and, therefore, the ratio of the aforesaid case cannot find application in the present OA.

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(3)

5. I have carefully considered the arguments made by the learned counsel and the material placed on record and do find that the claim of the applicant has been rejected by the respondents by passing a speaking and a reasoned order. The respondents have while passing the aforesaid order, taken into account not only the terminal benefits made available to the family of the deceased employee but have also cared to go into the other material aspects as well. Thus, the impugned order dated 22.10.1999 is not dependent entirely on the terminal benefits received by the family of the deceased employee and in this view of the matter, I hold that the impugned order has been passed after proper and careful consideration of the facts and circumstances of the case.

6. For all the reasons mentioned in the preceding paragraphs, the OA fails and is dismissed. No costs.



(S.A.T. Rizvi)
Member (A)

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