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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.450/2000

Tuesday, this the 8th day of May, 2001

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

1. Mrs. Keshari Devi
W/O Late Sh. S.N. Jha
Machine Asstt.
R/O House No.1434, Sector 5,
R.K. Puram, New Delhi.
2. Sh. Prasane Kumar
S/O Late Shri S.N. Jha
R/O House No.1434, Sector 5,
R.K. Puram,
New Delhi.

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..Applicants.

(By Advocate: None)

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1. Union of India through
Secretary,
Ministry of Planning,
Yojna Bhawan,
New Delhi.
2. Director,
National Sample Survey Organisation,
PWD, Deptt. of Statistics
(Field Operation Division)
C-Block, 3rd Floor, Pushpa Bhawan,
Madangir Road,
New Delhi-62.

..Respondents

(By Advocate: Shri Rajinder Nischal)

O R D E R (ORAL)

Heard the learned counsel for the respondents and have perused the material placed on record.

2. This is a case of appointment on compassionate ground in place of late Shri S.N. Jha who died in harness on 20.7.1992. Soon thereafter, the wife of the deceased employee approached the respondents for giving employment to her younger son on grounds of compassionate ~~etc.~~. The matter was considered by the respondents and the prayer was rejected vide respondents' letter of 11.3.1993.

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3. According to the learned counsel, the present OA is time barred inasmuch as the applicants have come before the Tribunal nearly seven years after the prayer for compassionate appointment was rejected. He has also placed before me the facts narrated in the reply which, according to him, go to show that the family of the deceased employee cannot be said to be living in a state of ~~financial~~ ^{financial} distress. It is admitted that the elder son of the deceased employee is working in the Ministry of Law, Justice and Company Affairs and was earning Rs.2200/- PM which amount is supposed to have gone up considerably in consequence of the implementation of the 5th Central Pay Commission's recommendations. Apart from Rs.52,846/- received by the family as terminal benefit, the widow of the deceased employee is presently drawing a family pension of Rs.1275/- PM excluding the amount of dearness relief. The younger son who has been made an applicant and who is aged about 30 years, has also got married and has a male child. In the totality of circumstances aforementioned, the learned counsel argues that there is no case for considering the claim of the applicants for compassionate appointment.

4. The applicants have stressed the aspect of financial distress and have assailed the order of rejection dated 11.3.1993 by terming the same as a non-speaking order. I have perused the same. The rejection letter merely states that the request of the applicants has not been found to be in accordance with the instructions contained in the DOPT's OM dated 30.6.1987. I cannot consider this order to be a speaking

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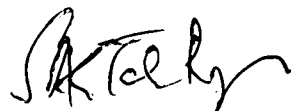
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order in that the various grounds on which the application has been found to be worthy of rejection have not been stated in clear terms. Further, ^{since} the aforesaid guide-lines dated 30.6.1987 have since been revised and a new set of instructions have been issued some time in 1995, it will be useful to reconsider the case keeping in view the revised guidelines.

5. In the circumstances set out above, I am inclined to feel that the OA deserves to be disposed of at this stage with a direction to the respondents to reconsider the claim of the applicant having regard to the provisions made in the revised guidelines and pass a speaking and a reasoned order in three months' time from the date of receipt of a copy of this order. The respondents are directed accordingly.

6. The OA is disposed of in the aforesaid terms.
No costs.



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

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