

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.512 of 2000

New Delhi, this the 21st day of May, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

(10)

1. Smt. Anar Kali
W/o Late Shri Salig Ram
R/o T-571/K. Baljeet Nagar,
New Delhi-110 008.
2. Dharam Vir
S/o Late Sh. Salig Ram
R/o T-571/K. Baljeet Nagar,
New Delhi-110 008. -APPLICANTS

(By Advocate: Shri A.K. Trivedi)

Versus

1. Union of India
Through It's Secretary,
Ministry of Defence,
South Block, New Delhi.
2. Director General of EME (EME CIV)
Master General of Ordnance Branch,
Army Headquarters,
DHQ, PO,
New Delhi.
3. Officer-in-Charge,
EME Records,
Secunderabad-500021.
4. The Commandant,
505, Army Base Workshop,
Delhi Cantt.-110010. -RESPONDENTS

(By Advocate: Shri Madhav Panikar)

O R D E R

By Hon'ble Mr.Kuldip Singh, Member(Judl)

This is an application filed under Section 19 of the Administrative Tribunal's Act, 1985 by two applicants who are seeking compassionate appointment for applicant No.2.

2. Facts in brief are that the applicant No.1 is the widow of late Shri Salig Ram, who died in harness

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while serving under the respondents. Applicant No. 2, the son of the deceased employee of the respondents, after the death of his father Sh. Salig Ram, made an application to the respondents seeking an appointment on compassionate grounds. The said application had been rejected vide order Annexure A-1. The applicants in this OA prays for quashing of the said order and are seeking a direction to the respondents to appoint applicant No.2 on compassionate grounds.

3. The grounds taken up by the applicant is that this impugned order vide which the application of the applicants had been rejected has been passed without assigning any valid and cogent reason and it is a non-speaking order which is illegal, unjust, arbitrary and without any reason.

4. The applicants still insist that they are poor persons as they belong to the weaker section of the society and deserves to be given special treatment as if they have no other source of income.

5. The OA is being opposed by the respondents. It is admitted that Shri Salig Ram had died in harness. It is also stated that the case of the applicants were forwarded to the competent authority to assess the economic distrees of the family and suitability for compassionate grounds and considering the size of the

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family including ages of children of deceased/medically retired Government servants, amount of terminal benefits received under various Schemes, amount of family pension, liabilities in terms of unmarried daughters etc. The Board of officers constituted for the purpose of considering such like applications, had rejected the case of the applicants.

6. I have heard the learned counsel for the parties and gone through the records of the case.

7. From a perusal of the impugned order I find that while rejecting the claim of the applicants for considering their case for appointment on compassionate ground the Board of officers have also taken into account the amount of terminal benefits received under the various schemes as well as the amount of family pension. Though, they also claim that they have also considered other aspects like size of the family, earning members supporting the family etc. yet no details have been furnished with regard to earning members in the family and their support to the family. Though in the counter-affidavit the amount received by the family as received by the family of the deceased employee has been mentioned. However, the counter-affidavit is conspicuous about the details with regard to any earning member in the family who can support the family of the deceased Salig Ram. The Hon'ble Supreme Court in the case

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reported in referred to a judgement reported in 2000 (4) Scale 670, Balbir Kaur & anr. vs. Steel Authority of India Ltd. & ors., relevant portion of which reads as under:

"Family Benefit Scheme cannot be in any way equated with the benefit of compassionate appointments. The sudden jerk in the family by reason of the death of the bread earner can only be absorbed by some lump sum amount being made available to the family. This is rather unfortunate but this is a reality. The feeling of security drops to zero on the death of the bread earner and insecurity thereafter reigns and it is at that juncture if some lump sum amount is made available with a compassionate appointment, the grief stricken family may find some solace to the mental agony and manage its affairs in the normal course of events."

8. It appears from the pleadings available on record that the respondents, while considering the case of applicant No.2 for compassionate appointment, had taken into consideration the terminal benefits given to the family members of the deceased employee. However, as per the observations of the Hon'ble Supreme Court in the case of Balbir Kaur (supra), quoted above, the retiral benefits given to the family members of the deceased employee could not be equated with the benefit of compassionate appointment as the same had been given to them to comply with the mandate of statute, after the early death of the employee.

9. Under these circumstances, I am of the opinion that the impugned order rejecting the prayer of the applicant No.2 for appointment on compassionate grounds

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cannot be sustained as the respondents while considering the case of applicant No.2 for compassionate appointment, had taken into consideration the terminal benefits given to the family members of the deceased employee. The impugned order is, therefore, quashed and the O.A. is allowed to the extent that respondents shall consider the case of applicant No.2 for compassionate appointment within a period of three months from the date of receipt of a copy of this order, as per the instructions on the subject and in accordance with the observations of the Hon'ble Supreme Court in the case of Balbir Kaur vs. SAIL (supra). No costs.

Kuldeep
(KULDIP SINGH)
MEMBER (JUDL)

Rakesh