

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

DA NO. 2410/89

DATE OF DECISION: 9.7.90

SMT. GOMTI DEVI

APPLICANT

VERSUS

UNION OF INDIA

RESPONDENTS

SHRI M.P. SAXENA

ADVOCATE FOR THE APPLICANT

SHRI K.C. MITTAL

ADVOCATE FOR THE RESPONDENTS

CORAM:

THE HON'BLE MR. T.S. OBEROI, MEMBER (J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

JUDGEMENT

(Delivered by the Hon'ble Mr. I.K. Rasgotra, Member (A))

Smt. Gomti Devi, widow of late Shri Shambhu Prasad, who was working as a Peon in Delhi Milk Scheme (D.M.S) has filed this application under Section 19 of the Administrative Tribunals Act, 1985 against the Delhi Milk Scheme d.o. letter No. 19-12/84-Estt-I dated May 1, 1989 (page 8 of the paper book) addressed to Shri Hussain, PS to the Minister of State Agriculture, New Delhi, giving postion of employment on compassionate ground of the dependents of the employees of D.M.S. who died while in service. Briefly, the case of the applicant is that her hunsband Shri

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Shambhu Prasad died on 30.4.1984, while in service. The applicant made representations to the D.M.S. to consider the appointment of her son, Subhash Chander on compassionate ground but these representations have been of no avail.

2. By way of relief, she has prayed that :

- i) Delhi Milk Scheme be directed to appoint Shri Subhash Chander, the applicant's son on compassionate basis;
- ii) The Director of Estate be restrained from evicting the family from quarter No. 41/11, sector 1, M.B. Road, Pushp Vihar, allotted to the deceased.

3. The General Manager, D.M.S., respondent No. 1 in his written reply has submitted that it has not been possible to consider appointment of the applicant's son, as the recruitment/appointment in D.M.S., pending implementation of the report of the Staff Inspection Unit (S.I.U.), is frozen.

4. In the course of the hearing on 25.5.1990, we had directed the respondents to file details of the liabilities of the widow and family pension/terminal benefits etc. received by her on the death of her husband by 28.5.1990. This information has not so far been submitted by the respondents. The applicant has however, submitted the following information on 28.5.1990:-

Family particulars of the deceased

S.No.	Name	Edn. Ofc.	Date of birth/age
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i.	Smt. Gomti Devi	Uneducated	43
ii.	Subhash Chander (son)	12th Pass	27.4.69

iii.	Kum. Krishna(daughter) Student	29.4.71
iv.	Sushil Kumar (son) 10th Pass	17.6.73
v.	Kum. Monika (daughter) Student	25.7.79

Terminal benefits received

- a) Pension (Family pension) : Rs.503/-p.m.
- b) DCR Gratuity : Rs.3710.80
- c) Insurance amount : Rs.10215.00
- d) GPF contribution : Rs.3608.00
- e) Whether owning any residential accommodation : No

From the above details, we find that none of the members of the family is earning. The oldest child of the deceased is Shri Subhash Chander who is now a little over 21 years of age. The amount of the terminal benefit received and the amount of family pension do not appear to be adequate to meet the day-to-day requirements of the family. While the eldest child would not have been eligible for appointment in 1984, being under age at that time, he is now an adult and is educated. The implementation of the S.I.U. report is pending for the last 6 years and a decision is yet to be taken in this regard. The case of compassionate appointment of the dependent of an employee who died in harness should not in fairness be linked up with broader issue of the staffing pattern of the D.M.S. studied by the S.I.U. If a deserving case of this nature is not attended to with expediency, the very intent of the scheme to provide succour to the family left in indigent circumstances, will be frustrated. We feel that this is a fit case meriting consideration for providing

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employment on compassionate ground to the son of the deceased employee.

Accordingly, we order and direct the respondents to consider the application of Shri Subhash Chander son of late Shri Shambhu Prasad for employment on compassionate ground, being of exceptional merit within a period of three months from the date of communication of this order. The applicant shall be at liberty to approach the Tribunal, if not satisfied with the disposal of the case by the respondents.

Before we part with this case, we would like to observe that cases for compassionate employment by the very nature of the scheme deserve immediate consideration. They cannot be kept pending for years. We hope that the direction given in the present case will stimulate respondents to new heights of endeavour culminating in a decision on the S.I.U. report of 1984 and consequent disposal of other cases of compassionate employment awaiting disposal.

As far as the accommodation is concerned, the matter does not fall within the jurisdiction of the Tribunal.

There will be no orders as to the costs.

*Dalip Singh*  
(I.K. RASGOTRAI)  
MEMBER (A)  
9/7/90

*Oberoi*  
9.7.90  
(T.S. OBEROI)  
MEMBER (J)