

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 1257 1983  
T.A. No.

DATE OF DECISION 12.7.1988

Smt. Murti Devi

Petitioner

Shri K.L.Asthana,

Advocate for the Petitioner(s)

Versus

Union of India & others

Respondents

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Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to all the Benches? No

  
( KAUSHAL KUMAR )  
MEMBER

  
( K. MADHAVA REDDY )  
CHAIRMAN

12.7.88

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI. 2

REGN.NO. OA 1257/88

Date of decision: 12.7.1988

Smt. Murti Devi ..... Applicant

Vs.

Union of India & others ..... Respondents

Coram: Hon'ble Mr. Justice K. Madhava Reddy, Chairman  
Hon'ble Mr. Kaushal Kumar, Member

Applicant through Shri K.L.Asthana, Counsel.

(Judgement of the Bench delivered by  
Hon'ble Mr. Justice K. Madhava Reddy, Chairman)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 calling in question the order refusing to appoint another son of the deceased employee on compassionate grounds. The son himself has not applied for appointment. On his behalf his mother has applied. The Respondents considered the representation of the applicant and having regard to the fact that another son of the deceased employee was already employed rejected the request. Reliance is placed on Paragraph 4(e) of the Office Memorandum No.14014/6/86 dated 30.6.1987 issued by the Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training which makes provision for appointment in deserving cases even where there is an earning member in the family. That paragraph reads as under:-

" In deserving cases even where there is an earning member in the family, a son/daughter/near relative of the deceased Government Servant, leaving his family in distress may be considered for appointment with the prior approval of the Secretary of the department concerned who,



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before approving the appointment, will satisfy himself that the grant of concession is justified having regard to the number of dependents, the assets and liabilities left by the deceased Government Servant, the income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the deceased Government servant and whether he should not be a source of support to the other members of the family."

2. From a reading of paragraph 4(e) referred to above, it would be clear that if there is an earning member in the family, any other member of the family shall not be ordinarily appointed. It, however, enables appointments to be made even if one member is already employed and if the family is in indigent circumstances and in great distress. In rejecting the request for appointment of the applicant's son it cannot be said that this aspect has been overlooked. In the circumstances there cannot be any direction by the Tribunal to once again consider the question of appointing the deceased employee's son on compassionate grounds. This application is therefore, rejected with no order as to costs.

  
( KAUSHAL KUMAR )  
MEMBER

  
( K. MADHAVA REDDY )  
CHAIRMAN

12.7.88