

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

3

O.A. No. 122/90
XXXNOT

199

DATE OF DECISION 21.8.1990.

<u>Shri Govind Lal</u>	Petitioner
<u>Shri Bharat Sangal</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India & Others</u>	Respondent
<u>Shri M.L. Verma</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. M.M. MATHUR, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGMENT

(of the Bench delivered by Hon'ble Mr. M.M. Mathur,
 Administrative Member)

The applicant, who is the son of the late Gunnu Ram, who has worked as a Chowkidar in the office of the Assistant Garrison Engineer, Delhi, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that the respondents be directed to appoint him as a Mazdoor or in any other suitable job on compassionate grounds. He belongs to the Scheduled Caste community. His father expired at the age of 48 on 30.4.1988 while in service, leaving behind his widow and two sons, Kanhaiya Lal and the applicant. The

two sons have a smattering of school education. The respondents gave family pension to the widow but not a job. The widow who is the applicant's mother expired on 11.3.1989. The applicant's brother is working in a private firm and is getting an income of Rs.500/- per month. With the death of the widow, the payment of family pension was stopped and the applicant requested the respondents to give him a job of Mazdoor on compassionate grounds. The respondents asked him to produce a medical certificate, character verification and property statement. They called him for a personal meeting. However, his request for compassionate appointment has not been acceded to.

2. The applicant is relying upon the instructions issued by the Government on 30th June, 1987 which has been annexed as Annexure-10 to the application at pages 19 to 25 of the application.

3. The respondents have contended that giving of compassionate appointment is a discretionary matter of the administration and the courts should not interfere with the same. They have also contended that the application is barred under Sections 20 and 21 of the Administrative Tribunals Act, 1985. They have further stated that the widow of the deceased Government servant was paid terminal benefits such as Rs.22,560/- by way of gratuity, Rs.9,000/- by way of Providend Fund, Rs.10,000/- by way of insurance, and an amount of Rs.375/- per month as family pension till her

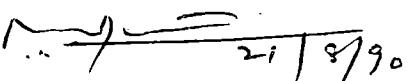
death.

4. We have carefully gone through the records of the case and have heard the rival contentions. The respondents have not controverted the version that the brother of the applicant is only getting Rs.500/- per month from a private firm where he is employed. With the death of the mother of the applicant in March, 1989, payment of the family pension has also stopped. The terminal benefits paid to the widow, mentioned above, is not such magnitude ^{of} that the applicant can make a living out of the interest earned on investing the same in long term deposits, assuming that the amount is still available for such investment. The instructions issued by the Department of Personnel on 30.6.1987 provide, inter alia, that in deserving cases, even where there is an earning member in the family compassionate appointment could be made with the prior approval of the Secretary of the department concerned. The instructions also provide for giving relaxation in regard to the educational qualifications in the case of appointment at the lowest level, i.e., Group 'D' or LDC post in exceptional circumstances where the condition of the family is very hard.

5. The respondents have not indicated while rejecting the request of the applicant for compassionate appointment as to why the case of the applicant does not deserve favourable

consideration. In the facts and circumstances of the case, we have no doubt in our mind that this is eminently a deserving case in which the applicant should be considered for appointment on compassionate grounds as a Mazdoor or Labourer which will provide him the means of livelihood. Accordingly, we direct the respondents to consider giving of a suitable job to the applicant on compassionate grounds. The respondents will be free to appoint him in any of their offices located at Delhi or else-where depending upon the availability of vacancy. The respondents are directed to comply with the above directions within a period of three months from the date of communication of this order. The application is disposed of at the admission stage itself.

The parties will bear their own costs.


(M.M. MATHUR)
MEMBER (A)


24/8/90
(P.K. KARTHA)
VICE CHAIRMAN (J)