

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 2129/1990  
T.A. No.

199

DATE OF DECISION 22.-3.1991

|   |                                |
|---|--------------------------------|
| <u>Smt. Kamlesh Kundra</u>                | Petitioner                     |
| <u>Shri S.K. Gupta</u>                    | Advocate for the Petitioner(s) |
| Versus                                    |                                |
| <u>U.O.I. &amp; Others</u>                | Respondent                     |
| <u>Shri P.H. Ramchandani, Sr. Counsel</u> | Advocate for the Respondent(s) |

## CORAM

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

The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

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

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,  
Vice Chairman(J))

The applicant has challenged the validity of the impugned order dated 17.10.1989 whereby the case of the applicant for appointment on compassionate grounds was rejected by the respondents.

2. Shri Shri Roshan Lal Kundra, husband of the applicant was employed as Superintendent in the office of the respondent authorities. While performing his duties he died on 21.2.1988. The deceased left behind his wife (i.e. the applicant) and two sons, namely, Rajesh Kundra and Anil Kundra. Both these sons of the deceased were studying and are still in college.

The applicant being <sup>a</sup> Graduate, applied for appointment against any suitable job under the control of respondent authorities on compassionate grounds in place of her deceased husband. The application was sent on 25.2.1988. Accounts-cum-Adm. Officer (respondent No.3) vide his letter dated 2.3.1988 requested the

*a*

3

applicant "to furnish the necessary details and information<sup>in</sup> part I of the enclosed performa".

In reply to the letter dated 2.3.1988 the applicant sent detailed particulars/information vide letter dated 7.3.1988. On account of some mistake in the particulars/information, the applicant submitted further information on 11.4.1988.

Thereafter, the applicant sent several reminders for the purpose of eliciting reply to her application for appointment on compassionate grounds on 20.4.1988, 19.6.1988, 22.7.1988, 1.2.1989 and finally the applicant addressed a letter to the Hon'ble Shri B.S. Anguiti, Union Minister of Planning and Programme implementation, Yojna Bhawan, New Delhi on 10.7.1989.

3. In reply to letter dated 10.7.1989, respondent No.4 issued impugned letter No.12012/3/88-NSS II dated 17.10.1989, whereby the respondent authorities conveyed to the applicant that "your request has been considered in detail. It is however regretted that it has not been possible to agree to it".

4. The respondents have stated in their counter-affidavit that the representation made by the applicant was considered alongwith other applications in the light of Government guidelines contained in O.M. No.14014/6/86-Estt.D dated 30.6.1987 (enclosed as Annexure II) to the application. Although she was not ineligible for appointment on compassionate grounds as per Govt. guidelines a comparison of her circumstances with those of other applicants showed that she was less deserving than the others against the available vacancies. Hence her request was not agreed to.

5. The respondents have annexed to their counter-affidavit the following statement of terminal benefits and other assets/income received/acquired by the applicant on the death of her husband:-

"I. Terminal benefits received by Smt. Kamlesh Kundra, w/o late Shri R.L. Kundra.

- |                                |           |
|--------------------------------|-----------|
| 1. Encashment of 170 days E.L. | Rs.16,649 |
| 2. Death gratuity              | Rs.80,600 |

a

6

|                             |                |
|-----------------------------|----------------|
| 3. C.G.E.I.S.               | Rs.40,000      |
| 4. Saving fund              | Rs. 1,458      |
| 5. G.P.F.                   | Rs.47,905      |
| 6. Deposit linked insurance | Rs.10,000      |
|                             | -----          |
|                             | Rs.1,96,612.00 |

|                       |          |             |
|-----------------------|----------|-------------|
| II. 1. Family pension | Rs.1,040 | ] per month |
| 2. Pension relief     | Rs. 448  |             |
|                       | -----    |             |
|                       | Rs.1,488 |             |

III. Own property/Income

|   |            |
|---|------------|
| 1. DDA Plot at Rohini<br>(immovable property) | Rs.18,011* |
| 2. Bajaj Scooter(Movable<br>Property)         | Rs.9,000   |
| 3. S.B.A/c of Bank of India                   | Rs.1,640   |
| 4. L.I.C.                                     | Rs.10,000  |

\*at the time of purchase".

6. We have carefully gone through the records of the case and have considered the rival contentions. The learned counsel of the applicant has relied upon numerous authorities@ and we have duly considered them.

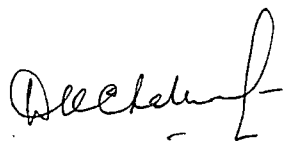
7. In our opinion, the family cannot be said to be in indigent circumstances *and* and in great distress *a* circumstances *as* the terminal benefits received by the family is quite considerable in addition to family pension. In case the amount received by the family is deposited in fixed deposit accounts, a reasonable *an* amount by way of interest every month will be received by it.

-----  
@. Authorities cited by the learned counsel of the applicant:  
1989(3) SLJ [CAT] 22; 1990(2) ATJ 206; 1990[1] SLJ[SC] 118.

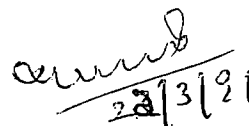
*an*

7

We do not, therefore, consider that this is a deserving case for appointment on compassionate grounds. The application is, therefore, dismissed, leaving the parties to bear their own costs.



(D.K. CHAKRAVORTY)  
MEMBER (A) 22/3/1991



[B.K. KARTHA]  
VICE CHAIRMAN(J)