

6

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

.....

Regn. No. OA 2476 of 1990

Date of decision: 16.4.1991

Sumitra Devi

Applicant

Vs.

Union of India & Others

Respondents

PRESENT

Shri Shankar Raju, counsel for the applicant.

Shri P.P. Khurana, counsel for the respondents.

CORAM

Hon'ble Shri Justice Ram Pal Singh, Vice-Chairman (J).

Hon'ble Ms. Usha Savara, Member (A).

(Judgment of the Bench delivered by Hon'ble Shri Justice Ram Pal Singh, Vice-Chairman (J).)

The applicant, by this application, filed under Section 19 of the Administrative Tribunals Act, 1985 (hereinafter referred as 'Act') prays for directions to the respondents to offer a Government job in Group 'D' or any other job according to the qualifications of the applicant in the Department on compassionate grounds. She has also prayed for directions to regularise the allotment of Government premises No. D-79, Moti Bagh (1), New Delhi, in the name of the applicant. She also seeks a direction that the licence fee to be charged from the applicant should be at the rate of Rs. 75.00 p.m. from 4.5.88.

2. The applicant's husband, Shri Harish Kumar, was serving in the capacity of Office Superintendent in the office of the Post Master General, New Delhi. He was ill and bed-ridden for 11 years before his death and died on 4.5.88 before the date of his superannuation due on 31.7.91. The applicant has a son and a daughter. The son is employed in Indian Airlines while the daughter, who is a doctor, is married. The applicant has received death-cum-retirement benefits of her husband due to her amounting to Rs. 1 lakh

Lam 214

and at present is getting family pension of Rs. 1400.00 per month. She applied for employment on compassionate grounds to the respondents which was rejected on 3.11.88 vide Annexure A-6. The applicant also prayed for interim relief that till the final decision of this applicant, she should not be evicted from the Government accommodation. This court on 30.11.90 directed on the issue of interim relief to the respondents not to evict the applicant from the Government accommodation, occupied by her, until further orders, on payment of usual rent.

2. The return counter has been filed by the respondents. The respondents have denied that the applicant is leading an indigent life, that she is getting monthly family pension amounting to Rs. 1400.00 and that the applicant is not vacating the Government accommodation. They further contended that the applicant, widow of the deceased employee, is of more than 40 years of age and hence cannot be employed, but in their return they offered that the Department can consider her case for engagement as Extra-Departmental Agent only on humanitarian grounds. Shri Shankar Raju, who appeared for the applicant, was told about this offer of the respondents which he gladly accepted. Shri P.P. Khurana, learned counsel for the respondents, assured that if she accepts this offer, then the Department can consider her prayer, but she will have to vacate the Government accommodation.

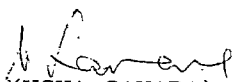
3. To get compassionate appointment is not a right of an individual, but it is given, as a matter of policy, to see that after the death of the employee, his dependents do not lead the life of indigent because of the death of the bread-earner. Thus, compassionate employment is merely a mercy given by the Department to the widow or to the dependents of the deceased employee.

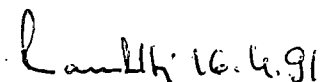
Lambh

4. It is observed that the applicant, after the death of her husband, has received more than Rs. 1 lakh as death-cum-retirement benefits. It is also observed that her son is well employed in Indian Airlines and her daughter, who is married, is in medical profession. Thus, her both the children are earning and she herself is getting more than Rs. 1400.00 per month as family pension. By no stretch of imagination, the applicant can be ^{social} called to be leading an indigent life. Her application is, therefore, devoid of any merit and it is dismissed.

5. Before parting, we would like to add that at the time of the final hearing of the application, it was suggested that the applicant should deposit an amount of Rs. 10,000.00 towards the rent due to her which amounts to Rs. 18,000.00 and the rest of the amount of Rs. 8,000.00 can be adjusted by the Department from her family pension. We also express our pious hope that the respondents shall, on compassionate grounds, give her the appointment as mentioned in their return immediately after she deposits the amount of Rs. 10,000.00, but she should also vacate the Government premises which she is occupying. Interim order passed earlier vacated.

Parties shall bear their own costs.


(USHA SAVARA)
MEMBER (A)


(RAM PAL SINGH)
VICE-CHAIRMAN (J)