

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.487/90

DATE OF DECISION: 15.1.1992.

SUFEDI & ANR.

...APPLICANTS

VERSUS

UOI & ORS.

...RESPONDENTS

CORAM:

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

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)

FOR THE APPLICANTS SHRI S.K. GUPTA, COUNSEL.

FOR THE RESPONDENTS MRS. RAJ KUMAR CHOPRA, COUNSEL

JUDGEMENT(ORAL)

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

Heard the learned counsel for both the parties.

The case of the applicants is that the husband of the applicant No.1 and father of applicant NO.2 Shri Ram Pal while employed as Chowkidar at Air Force Station, Gurgaon died on 5.8.1985 while on duty. The applicant submitted an application for employment of applicant No.2, i.e., the son of the late employee of the Air Force on compassionate grounds. The respondents according to their procedure considered the case of the applicant in their quarterly reviews and finally rejected the request vide order dated 6.1.1989, after reviewing the case in the third quarterly review after the application had been filed. The main reason given in the rejection letter is that in view of the more deserving cases and due to the limited number of vacancies the case of the applicant could not come up in the indigent cases where the employment was sanctioned.

Mrs. Raj Kumari Chopra, learned counsel for the respondents submitted that the case of the applicant

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does not fall in the category of employees who seek compassionate employment under indigent circumstances, as the widow is getting:

i) Family pension at the minimum rate plus dearness relief thereon which is said to be approximately Rs.570/- per month currently. She has also received other pensionary benefits like Central Govt. Employees Group Insurance Scheme Rs.12,000/-

ii) G.P.F. and Gratuity together ^{which} amount to Rs.14,250.

Besides the applicants own a house in Nathupura Village and there is a letter on record of the respondents from Gram Panchyat, Nathupura Village, that the applicants own three bigha land in Nathupura village in Gurgaon District. The learned counsel, therefore, submitted that in view of the more deserving cases in the Air Force the applicant could not be considered for compassionate appointment.

The learned counsel for the applicants submitted that admittedly the applicants own the said piece of land but he is not deriving any income from the land as it is barren and unproductive. This argument however was refuted by the learned counsel for the respondents who submitted that the land in Gurgaon is very costly and the question of not deriving any income from the said land does not arise.

We have considered the rival contentions very carefully and are not inclined to issue any direction in the matter as all the circumstances which compel consideration for appointment on compassionate grounds are not established. Accordingly, the O.A. is dismissed.

J. P. Sharma
(J.P. SHARMA) (S. I. 92)
MEMBER(J)

I. K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)