

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 585/90
T.A. No.

199

DATE OF DECISION 13.12.91

<u>Smt. Suraj Mukhi</u>	Petitioner
<u>Shri Ranjan Mukherjee</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India & Ors.</u>	Respondent
<u>Mrs. Raj Kumari Chopra</u>	Advocate for the Respondent(s)

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

The Hon'ble Mr. I.P. Gupta, Member (A).

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

J U D G M E N T

The applicant by this O.A. under Section 19 of the Administrative Tribunals Act, 1985, prays for her appointment on compassionate grounds in the post of Khalasi and also prays for non-eviction from the present accommodation till a suitable accommodation to a Khalasi is provided to her.

2. Her case is that her late husband, Shri Shiv Raj, was working as a Wireman in C.P.W.D. under the Chief Engineer (NDZ). He died in harness on 10.3.88, leaving behind the applicant widowed, 4 unmarried daughters and 3 sons out of which one son is aged 12 years. The deceased employee was allotted quarter No. 661, Sector 2, Type II, Sadiq Nagar, New Delhi, where the applicant along with her dependents is living at present. On her husband's death, she applied for her appointment as a Peon/Khalasi on compassionate

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grounds. Respondent No. 4, in his letter dated 21.5.88, addressed Respondent No. 3 requesting that the applicant be appointed as a Peon/Khalasi on compassionate grounds to save the family of the deceased employee. In this letter it was also mentioned that one post of Khalasi was being reserved for the applicant and the consent of the applicant be obtained meanwhile so that necessary orders with regard to the appointment may be issued (Annex. IV). When she did not receive a response, she filed a representation on 22.5.89 praying for her appointment on compassionate grounds. She also faced the eviction, but the same was directed to be stayed and she is still in occupation of the said quarter. She, therefore, prays that she be allotted Type I quarter along with her appointment on the post of Khalasi/Peon, a Group 'D' post of her entitlement. Respondent No. 4, by his order dated 21.3.90 rejected the prayer of the applicant on the ground that her two major sons who live and work at Bombay can support the applicant. She, therefore, filed this O.A. praying for the hereinabove noted reliefs.

3. On notice, the respondents appeared and filed their counter ^{the}contending that the applicant has received on death of her husband a total amount of Rs. 71,078.00 and she is also getting a family pension and this amount is sufficient for the upkeep of her family. They further contended that compassionate appointment in such a situation should not be directed. They further contend that her two elder sons who are at Bombay and earn can support their mother and younger sisters and brother. In substance, the stand of the respondents is that the applicant is not an indigent.

4. Shri Ranjan Mukherjee for the applicant and Mrs. Raj Kumari Chopra for the respondents were heard.

5. Rules with regard to the appointment on compassionate grounds have been filed by the applicant as Annexure A-1. She has also filed recommendations of public leaders showing that she is in urgent need of employment. Admittedly, the amount of Rs. 71,000.00 has been received by the applicant and admittedly she has also got a family pension, but the fact is that she has four unmarried daughters and one minor son to be educated and married. The law

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on the subject has been laid down in the case of Sushma Gosain (1990 (1) SLJ 118) wherein the apex court observed:

"Time and again this Tribunal had occasion to lay down that the object of compassionate appointment to the dependents of deceased Government employees is for immediate assistance in cases where the family of the deceased is in indigent circumstances so that it cannot pull off in view of the demise of the bread-winner."

In the case of Gerad George Joseph vs. U.Q.I. & Others (1989) 10 ATC 782), the Tribunal held that no doubt the applicant has received financial benefits amounting to Rs. 52,000, but having regard to the soaring prices of consumer goods and the fact that she has got three minor children to support, the said amount can, by no stretch of reasoning be considered to be sufficient to afford livelihood to all of them. It was also held that the amount of pension was also meagre. The said case is similar to the present one.

5. In a welfare State like ours, the cherished goal is to lift the poor and down-trodden above the poverty line. The mere fact that two of her sons are working elsewhere and earning with their families is no ground to reject her prayer. If the sons are major and they have separate families to maintain, in these days of materialism, it cannot be expected that they shall support their widowed mother or minor sisters and brother. In the matter of compassionate appointment, the employees are expected to have a liberal approach having regard to the beneficent nature of the policy of compassionate employment. To argue that legal heirs of the deceased would be able to eke out livelihood on attaining maturity would tantamount to defeat the very purpose and the object underlying the policy rendering minimum financial assistance to the indigent and needy heirs of the deceased Government employee. We are, therefore, not persuaded by the counsel for the respondents that the applicant does not deserve a compassionate appointment. In these days of inflation, the applicant cannot be expected to maintain her ^{three} ~~four~~ minor daughters and one minor son with dignity and ease from the amount of family pension. The post-death benefits the applicant has received from the respondents on the death of her husband may be utilised for educating her four daughters and one

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son and for marrying them and settling them in life, but to deny compassionate appointment would definitely cause a hardship to the family whose bread-earner has departed for ever.

6. We are, therefore, of the view that this O.A. should be allowed. We, therefore, allow this O.A. and direct the respondents to give compassionate appointment to the applicant who is an uneducated lady on the post of Peon/Khalasi within a period of three months from the date of the receipt of a copy of this judgment. ^{in consequence thereof,} We further direct the respondents (including Respondent No.5) to provide her Type I quarter to which the Peons/Khalasis are entitled and only then ask her to vacate the present premises she is occupying. The parties are directed to bear their own costs.

I. L. Gupta
(I.P. GUPTA) 13/12/91

MEMBER (A)

Ram Pal Singh 13.12.91
(RAM PAL SINGH)

VICE-CHAIRMAN (J)