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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 933/1990

Date of decision: 24.12.1991.

Smt. Surjit Kaur

...Applicant

Vs.

Union of India & Another

...Respondents

For the Applicant

...Shri J.P. Verghese,
Counsel

For the Respondents

...Mrs. Raj Kumari Chopra,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *Yes*

JUDGMENT

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

We have gone through the records of the case and have heard the learned counsel of both parties on the question of her son whether the claim of the applicant for appointment to the post of LDC on compassionate grounds is a deserving one.

2. Shri Makhan Singh who was serving as a foreman in the C.P.W.D., New Delhi died of harness on 11.3.1988, after serious illness for a period of one and ^ahalf years. Besides the widow who is the applicant before us, he has left behind two sons and three daughters. Two of the daughters are married. One son is also married and living separately. According to the applicant, he does not contribute towards her family,

monetarily or otherwise. She has stated that she has now to support her younger son and her daughter who is yet to be married. Her youngest son who is unemployed is with her. Her request for appointing her son as Lower Division Clerk on compassionate grounds has been rejected by the respondents.

3. The respondents have stated in their counter-affidevit that the applicant has already been paid the following amounts as retirement benefits:-

1.	Death cum retirement gratuity	Rs.51,300.00
2.	Lump sum from Insurance fund and saving fund	Rs.21,486.00
3.	Payment of leave encashment	Rs. 5,966.00
4.	Payment of G.P.F. deposits	Rs.30,250.00
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		Rs.1,09,002.00
5.	Family pension at enhanced rates	Rs.900/- P.M., upto 11.3.1995
	Family pension at ordinary rates after 11.3.1995."	Rs.450/-P.M.

4. In addition to the above, the applicant's elder son, Shri Parminder Singh is in gainful employment as Junior Engineer (Elect) in C.P.W.D. having an income of Rs.2,413/-P.M. and living in the same house where his mother with other two children is residing.

5. The applicant owns a house in Vishnu Garden. The Executive Engineer who conducted a discreet enquiry into the condition of the family of the applicant has submitted a report to the Superintending Engineer supporting the case of the applicant. According to him, though the elder son of the applicant is living in the same house, he is not sharing the kitchen with her. The house itself has

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been built in an unauthorised colony which may be demolished any time.

6. The applicant has not produced any documentary evidence in support of her plea that she had borrowed money for the treatment of her ailing husband which had to be paid off after his death.

7. The applicant has received a substantial sum by way of retirement benefits. In case the same is deposited in fixed deposits, she would get a fair amount by way of interest, in addition to family pension, for the livelihood of the family. In the facts and circumstances of the case, the rejection of the request made by her for appointment of her son as LDC cannot be faulted on any legal ground. The applicant is not entitled to the relief sought in the present application and the same is dismissed.

There will be no order as to costs.

B. N. Dhondiyal
(B.N. DHONDİYAL)
MEMBER (A)

P. K. Kalita
24/12/91
(P.K. KALITA)
VICE CHAIRMAN (J)