

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA 1174/91

01.04.1992

MANJEET SINGH

...APPLICANT

VS.

UNION OF INDIA

...RESPONDENTS

CORAM :

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

FOR THE APPLICANT

...SH. D.R. GUPTA

FOR THE RESPONDENTS

...SH.N.S. MEHTA

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P.SHARMA, MEMBER (J)

The applicant, survived by his deceased father Shri Satnam Singh, who died in harness as an employee in the Govt. of India Press in 1986. The other brother Gurdeep Singh was handicapped and also died soonafter his father. There are two other sons of the deceased employee employed in Govt. of India Press, earning about Rs.3000/- &2500/- respectively per month.

2. The applicant has applied for compassionate appointment on the ground that he is entitled for the same because of indigent circumstances, and should be considered for appointment because of the death of his father in harness in 1986. This request of the applicant was turned down by respondents on 17th October, 1989. However, subsequently the President of

1

...2.

the same Association of Govt. of India Press took up the matter and he was informed by impugned letter dated 25.6.90 (Annexure A-1) by the Deputy Director Administration, Directorate of Printing, that the request for compassionate appointment of Manjeet Singh was considered and it was not found possible to accede to his request. The applicant has challenged this order. Though in column-3 of the application, it is stated that the application is within limitation but subsequently MP 325/92 has been moved that the delay in filing the application be condoned. The ground taken for condonation of delay in the said MP after the rejection of the representation of the applicant by the order dated 17.10.1989, is that the President of the Govt. of India Press Workers' Union took up the matter with the Secretary, Ministry of Urban Development, who was informed that the applicants request for compassionate appointment has been rejected by the impugned order dated 25.6.1990 and that the present application should have been filed within a period of one year i.e. on 7.5.1991.

3. I have heard the learned counsel for both parties at length. The learned counsel for the respondents opposes the application on limitation as well as on merit. Regarding limitation it is said that

the applicant had not given any reasonable and substantial ground for the condonation of delay as normally the present application could have been filed within one year from the rejection of the representation that is from 17.10.1989.

4. Since the matter relates to compassionate appointment so heard on merit, The learned counsel for the applicant, on the definition of the family excluding the earning members that is two brothers of the applicant from the family and in support of this, he has placed reliance on the authority of Roshnara Begum, reported 1990(3) SLJ and also on a Ration Card annexed with the application at page-9 (Annexure A-2). The learned counsel for the applicant further pointed out that the two earning brothers of the applicant, undisputedly are in Govt. of India Press, earning Rs.3000/- and 2000/- respectively per month, are not supporting the applicant. It is further emphasised by the learned counsel for the applicant that the value of money has gone down and amount of 20000, as the gratuity and other retirement benefits given to all the surviving legal representatives of the deceased cannot be said to be a sufficient amount to live and bank on the same. Thus, from all corner it is said that the

applicant is entitled to compassionate appointment and has placed reliance on the case of Ramvati Vs. UOI & ors. reported in 1991(2) ATJ Page 463 where the third son of the deceased employee was given compassionate appointment. I have considered all these contentions in the right perspective.

5. As rightly pointed out by the learned counsel for the respondents, the Ration Card at page 9 of the paper book, is a photo-copy and it bears a quite legible date reading 28th July, 1988. The learned counsel for the respondents assailed the genuineness of this document stating that there is no proof in the record as Shri Satnam Singh, father died in 1986.

6. Regarding the separation of two earning members who are elder brothers of the applicant, the learned counsel for the applicant stated that they have separated but the respondents have in their counter stated that there is a family house inherited by the deceased family and by the four brothers. Thus, when the real brother of the applicant are also serving in the same Govt. of India Press and are members of Hindu undivided family then it cannot be said that the applicant has totally given a go by to the other

earning members of the family. Though it is not desired to enter into technically but the applicant had made a representation for compassionate appointment in which he has also alleged that the 100% handicapped brother Gurdeep Singh has been dependent on him and that ground has gone by the death of the said brother.

7. Regarding the impugned order not speaking one, applicant has not filed original order dated 17.10.1989. The applicant only contented himself by filing communication dated 25th June, 1990 addressed by the Administrator of Directorate of Printing by the Employees Union of Govt. of India Press. In the absence of that letter October 17, 1989 it cannot be said that the respondents have not considered the matter in the right perspective.

8. The compassionate appointment may be pressed as of right but that right has to be seen objectively with respect to other persons similarly situated being administratively adjudged by the respondents for compassionate appointment. This is not the case of the applicant that he has been discriminated and similarly situated persons have been given appointment.

↓

....6.

(21)

9. A short question, therefore remains that a person who has two earning brothers in the same Press and also a house belonging to HUF and by virtue of succession policy got to the tune of thousands of rupees a retirement benefits of the deceased whether such a person can pay said to be one to be rightly considered for compassionate appointment ? In the above circumstances I do not find any wrongful exercise of power & discretion by the respondents in not giving compassionate appointment to the applicant.

10. In the above facts, the application is dismissed considering by the facts as devoid of merit. In the circumstances, parties to bear their own costs.

Durg
(J.P. SHARMA)
MEMBER (J)
01.04.92

vk
01.04.92