

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
PRINCIPAL BENCH,  
NEW DELHI.

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Date of Decision: 17-07-92

OA 1513/91

Smt. KUNTI DEVI & ANR. ... APPLICANTS.

Vs.

UNION OF INDIA & ANR. ... RESPONDENTS.

CORAM:

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

For the Applicants ... Shri V.P. Sharma,  
counsel.

For the Respondents ... Shri V.K. Rao,  
counsel.

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

JUDGEMENT

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

The applicant No.1 is the widow and the applicant No.2 is the son of Dr. Kamal Singh Yadav, since deceased, who was appointed to the Pool for Scientists and Technologist constituted by CSIR vide order dated 18.3.1982 (Annexure A-3). He was appointed to work under the administrative control of Vice Chancellor of the Kurukshetra University. The deceased worked from 27.8.82 to 17.9.82 when he died. In the present application, filed on 3.7.91 the applicants have prayed for the grant of family pension

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...2.

to the applicant No.1 and for compassionate appointment to the applicant No.2. They made representation to the respondents who by the order dated 18.5.90 and 27.6.90 informed the applicants that they are not entitled to the relief because the Pool Officers appointed as such are not entitled to any pensionary benefits.

2. The main averment in the application is that since the deceased was a government servant and he died in harness so by virtue of OM No.14034/A-77-Estt.(D) dated 23.5.78, the widow is entitled to family pension. The applicant No.2 is un-employed and he is also entitled to the appointment on compassionate ground on the principle laid down in the case of Sushma Gosain Vs. UOI and Phoolwati Vs. UOI, decided by the Hon'ble Supreme Court.

3. The respondents contested the application and took the preliminary objection that the application is not maintainable as the deceased was engaged as Pool Officer under the scheme for such Pool Officer. It is further stated that the application is barred by time as the father of applicant No.2 died on 7.9.82.

4. I have heard the learned counsel of the applicants and perused the records. In the present case, the applicant was not appointed to any post under the Govt. He was given only a stop-gap appointment under a scheme called the

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Scientists Pool Scheme, which was initiated by the Govt. of India in 1958 with a view to provide temporary placement to well qualified Indian Scientists, Engineers, Technologists, and Medical Personnel, not holding any employment in India. The respondents, CSIR, maintains the register of such persons. This Pool placement, therefore, is not a regular appointment but in the nature of temporary facility to enable a Pool Officer to work in India while looking for regular position. These appointments are normally for a period of one to two years. The purpose of the scheme, therefore, was to check brain drain. These Pool Officers are not utilised by CSIR itself. They are posted to various educational institutions for pursuing higher studies. The applicant immediately after his appointment died in September, 1982. Thus, the applicant cannot be termed as a temporary or permanent government servant. There was no relationship of employer and employee.

5. In view of the above facts, the present application though barred by time is also devoid of merit and is, therefore, dismissed leaving the parties to bear their own costs.

Jomarp  
17.7-82  
( J.P. SHARMA )  
MEMBER (J)