

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

D.A.No.1667/91.

Date of decision 3-3-93

NAVEEN KUMAR & ORS. ... Applicant(s)

v/s

Delhi Administra- ... Respondents
tion & Ors.

CORAM:

The Hon'ble Shri C.J. Ray, Member (Judicial)

For the Applicant(s) ... Shri D.R. Gupta, counsel

For the Respondents ... Mrs. Meera Chibber, counsel.

(1) Whether Reporters of local papers may be allowed
to see the Judgment ?

(2) To be referred to the Reporter or not ?

JUDGMENT

[Delivered by Hon'ble Shri C.J. Ray, Member (Judicial)]

This is an application for compassionate
appointment of applicant No. 1 filed under Section 19
of the Administrative Tribunals Act, 1985. The appli-
cant's father was employed as a Senior Physical Educa-
tion Teacher, Government Boys Senior Secondary School,
Madipur under the administrative control of the
Directorate of Education, Delhi Administration, Delhi.

who died in harness in January 1969, leaving behind his wife, two sons and a daughter. His first son was married and he was living separately with the financial support of his parent as alleged by the applicant. He has no interest in the service and therefore has not opted to apply for employment but had opted for business but he is demanding his share from the retirement dues drawn by the applicant No. 2. Therefore, this application is filed for compassionate appointment of the first applicant. The request for the appointment was negated by Annexure A-I. The applicant attacked the Annexure A-I because it was given without any reasoning.

2. In the counter the respondents alleged that his son is also residing with them as seen from the ration card and the financial status of the deceased is concerned, the widow get a family pension of Rs. 1440/- per month approx. She had been paid Rs. 40,000 as DCRG, Rs. 30,000/- as GPF and a sum of Rs. 20,000/- on account of CGDIS. Further, the family owns a residential house at Jeevan Park, New Delhi value as Rs. 70,000/-. Besides this, the elder brother of the petitioner is doing business of repair of scooter. Keeping in view the sound financial status

and earning hand in the family, the application of petitioner for appointment on compassionate ground was considered and rejected. The respondents have stated that it is not a deserving case and the judgments cited by the applicant are meant for cases for those who are in distress and indigent circumstances, whereas the financial position of the applicant is very sound and as stated above the applicant is in receipt of monthly pension of Rs. 1440/- and an amount of Rs. 90,000/- has also been paid as the benefits of the deceased second applicant and they own a house of their own. Hence, the application is not tenable.

3. I heard the Learned Counsel for the applicant, Shri D.R. Gupta and the Learned Counsel for the respondents, Mrs. Meera Chibber. The compassionate appointment is basically meant to help those who are in the indigent circumstances, in distress or in pitiable condition having been orphaned by an employee who dies in harness. The applicant owns a house which has not been denied even in the rejoinder filed by the applicant and they admit that they received a sum of Rs. 90,000/- after the demise of the 1st applicant's father.

4. That apart, the second applicant is also receiving

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Rs 1016/- as pension upto 13.1.1996 plus relief

as admissible from time to time and thereafter

Rs. 508/- p.m. onwards.

5. Therefore, the decisions cited by the applicant are meant for only people who are in indigent circumstances. They cannot apply to the persons who are not in indigent circumstances.

6. The deserving people whose cases have to be considered for compassionate appointment will suffer in the event of people who own house, getting monthly pension as well as in receipt of other amount after the demise of the person who died in harness and having one son doing business in scooter repairing are in better position. The application filed by the first applicant and the mother of the first applicant and they have also filed application under Rule 4(5)(a) of the Administrative Tribunals Act. This application is not allowed.

7. I, therefore, hold that the first applicant is not in indigent circumstances.

8. In view of the above, the main application is dismissed with no order as to costs.

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(C.J. Ray)
Member (Judicial)