

16

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

OA No.1728/91

New Delhi this the 5th Day of July, 1995.

Hon'ble Mr. N.V. Krishnan, Vice-Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Satish Kumar S/o late Sh. Girvar,
R/o S-I/538, R.K. Puram,
New Delhi-110022.

2. Smt. Phoolwati, W/o late Sh. Girvar,
R/o S-I/538, R.K. Puram,
New Delhi-110022.Applicants

(By Advocate Sh. D.R. Gupta)

Versus

1. The Chief Engineer (Food Division),
C.P.W.D. Krishi Bhawan,
New Delhi.Respondents

(By Advocate Mrs. Raj Kumari Chopra though none
appeared)

ORDER(Oral)
(Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A))

The application is against the denial of
compassionate appointment to the first applicant who
is son of the deceased who was an employee under the
respondents. Two principal grounds have been raised.
Firstly, it is stated that the impugned Annexure A-1
order dated 26.06.1991 is not a speaking order and
does indicate the grounds on which the application has
been rejected. The second is that, on merits the
applicant has a claim because the family of the
deceased is in indigent circumstances.

2. We have heard the learned counsel for
the applicants and carefully consider, the matter.

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15

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3. It is seen that the Executive Engineer concerned has sent two reports to the Chief Engineer, one on 06.10.1989 (Page 29) and another dated 30.10.1989 (Page 34). It is seen from these letters that the deceased left behind his widow, the second applicant, and four children. Out of them one is a daughter who has already been married. Among the three sons one is employed in Assam with a basic pay of Rs. 970/-. Another son is a Constable in the Delhi Police with the basic pay of Rs. 980/-. The third son is the first applicant for whom the compassionate appointment is sought. It is also seen from the respondents' reply that payment of Rs. 75,574/- was given on the death of the deceased employee, inclusive of the DCRG, and in addition family pension is being paid to the second applicant, the widow of the deceased.

4. In the circumstances the mere fact that the impugned order is not a speaking order does not vitiate the decision taken by the Government.

5. The learned counsel for the applicants submits that though two sons are employed, they are living separately and they are not in a position to support the applicant. We are of the view that this is not a relevant consideration. Children when employed are expected to support their parents out of whatever income they earn. Government has not taken the liability to give compassionate appointment on this ground that the two sons who are employed do not give her any support. As two sons are already

18

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employed, it cannot be held that the family of the deceased has been left in indigent circumstances. This being the case, we are of the view that the OA cannot be sustained, either on the ground that the impugned order is not a speaking order or on the ground that the applicants are in indigent circumstances.

6. We, therefore, do not see any merit in this O.A. It is accordingly dismissed. No costs.

The interim order dated 02.08.1991, directing the respondents not to dispossess the applicant from the residential quarter occupied by her, is hereby vacated. As the occupation was unconditionally authorised, the respondents may recover ~~any~~ ^{only} normal rent from the applicant for the occupation till today.

7. O.A. is dismissed with the above direction.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

N.V. Krishnan
5.7.91

(N.V. Krishnan)
Vice-Chairman(A)

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