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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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O.A. No.2816/91

24.11.1992

Shri Jaideep Gupta & Anr.

...Applicants

Vs.

Union of India & Ors.

...Respondents

CORAM :

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicants

...Shri Mahavir Singh

For the Respondents

...Shri M.L. Verma

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

JUDGEMENT (ORAL.)

Shri Jaideep Gupta, son of the deceased employee Shri N.D. Gupta, who was Assistant Engineer, Food Storage Circle, CPWD, Faridabad employed with the respondents, died in harness on 1.11.1988 almost 7 years before the date of his superannuation. He left the widow, Smt.Savita Gupta, who has received the retirement benefits to the tune of Rs.2,09,309 and has also been granted a monthly pension of Rs.2035. the deceased has also left an elder son, who during the course of the arguments by the learned counsel, is working as an Engineer and he could not give better particulars as to whether he is Junior Engineer or serving in any other higher post of the same discipline. However, in this application, both the applicants, the mother and the unemployed son, Shri

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Jaideep Gupta has prayed for a compassionate appointment with the prayer that the order dt. 30.11.1990 disallowing the representation for compassionate appointment be quashed and a direction be issued that applicant No.1, Shri Jaideep Gupta be appointed on appropriate post in Faridabad or nearby station.

The respondents, as usual, contested the application and in the reply it is averred that the family is not indigent and the case has been thoroughly considered by the authorities in this regard. The applicants have also got a house which was having rental income in the life time of the deceased employee and the retirement benefits to the tune of about Rs.2,10,000 and a monthly pension of Rs.2035 p.m. is being paid to the family. It is said that the case can be said to be governed by the decision of the case of Shushma Gosai Vs. Union of India, 1989 (11) ATC p-878 SC.

I have heard the learned counsel for the applicant at a greater length. The learned counsel for the applicant, however, referred to the affidavit filed by Mrs.Savita Gupta, widow in which certain details have been given, but to the utter surprise it is not mentioned as to how the other son, i.e., the elder one is employed and how much is the monthly income of the son. The learned counsel, however, argued that the elder son has nothing to do with the family as he has separated. It is also argued by the learned counsel that whatever retirement benefits were given to the family have been spent away in the marriage of the elder son and the

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family has been left without any substantial amount to maintain the family of the deceased. It is because that a compassionate appointment is desired for the unemployed son, Shri Jaideep Gupta. Leaving a scope to reasonableness to this amount, if an amount of Rs.2,00,000 can be spent on the marriage of one of the sons, then whether the family can be said to be an indigent family or this expenditure said to have been incurred in the marriage is only an after thought to procure an employment for the other son, who happens to be out of employment. Normally in the case of compassionate appointment, the Court should be guided by the consideration of rehabilitating the family of a deceased employee and on the same when the case of the applicant is considered, there is much force in the contention raised in the counter filed by the respondents that the family is not indigent.

The learned counsel for the applicant, however, also desired some more time so that he may file better particulars regarding the status of the family. However, I do not consider it necessary because the material on record is sufficient to show that the family is not at all indigent.

When once it is held that the family is not an indigent family and the retirement benefits coupled with the monthly pension given to the widow, Smt. Savita Gupta is sufficient to maintain the family, the impugned order dt. 13.11.1990 passed by the respondents rejecting the

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representation for compassionate appointment does not need any interference. The authority relied by the learned counsel for the applicants in his pleadings does not at all support his case. The case of Shushma Gosai was totally on a different footing and has no analogy with the case of the applicants.

The application is totally devoid of merit and, is therefore, dismissed leaving the parties to bear their own costs.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)
24.11.1992