

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

O.A. No. 588/91  
T.A. No.

199

DATE OF DECISION 3.5.1991.

Smt. Sudarshan Kumari

~~Petitioner~~ Applicant

Shri S.C. Luthra,

Advocate for the ~~Petitioner(s)~~ Applicant

Versus

Union of India through Secy.,

Respondent

~~Miny. of Defence & Others~~

Shri M.L. Verma

Advocate for the Respondent(s)

### CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? */no*
4. Whether it needs to be circulated to other Benches of the Tribunal? */no*

(Judgement of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice-Chairman)

This is an application made by the widow of a deceased Government servant for compassionate appointment. Earlier, she had filed OA-1169/90 which was disposed of by judgement dated 22.11.1990. The application was disposed of with the direction to the respondents to re-examine the prayer of the applicant for compassionate appointment in the light of the observations contained in the judgement and take a decision within a month from the date of receipt of a copy of the judgement. Till then, it was directed, that the applicant shall not be



dispossessed of the Government accommodation which had been allotted to her husband, subject to her liability to pay the standard/assessed rent for the said quarter.

2. In its judgement dated 22.11.1990, the Tribunal noted that all the three children of the deceased Government servant were minors and were females. The Tribunal observed that the case of the applicant deserved relook by the respondents by taking into account similar cases where employees have died in harness, leaving behind female members as dependents.

3. The grievance of the applicant in the present application is that the respondents did not properly consider the matter as directed by the Tribunal in its judgement dated 22.11.1990. The respondents have informed her by their letter dated 28.2.1991 that as per the policy laid down by the Department of Personnel & Training, indigent employment can be offered for 14.5 per cent of Group 'C' vacancies occurring in a year. Against these small number of vacancies, employment is offered to applicants who are comparatively in the worst financial conditions, vis-a-vis, other similar applicants. According to them, there are more deserving cases of deceased employees with three or more female.

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dependents who could not be offered indigent employment in view of the availability of a limited number of vacancies.

4. We have gone through the records of the case and have considered the rival contentions. The applicant has produced a copy of a note dated 11.9.1989 wherein the case for employment assistance of the applicant had been considered along with the cases of other persons in similar circumstances. The information contained in the note clearly indicates that the applicant is in a better financial position than the remaining persons, having regard to the quantum of family pension, D.C.R.G., G.P.F. and the insurance amount received by her. In the judgement of the Tribunal dated 22.11.1990, it has been observed that the applicant was granted a family pension of Rs.750/- per month and with the D.A./ Dearness Relief admissible thereon, she was getting Rs.1035/- per month with effect from 7.11.1988. In addition, payment on account of CGEGIS, G.P. Fund, Deposit Link Insurance, D.C.R. Gratuity and Leave Encashment amounted to nearly Rs.1,04,000/-. This amount on investment can get a monthly income of

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Rs.1,000/-, in addition to family pension of over Rs.1,000/-. Thus, the income of the family will be comparablexx, if not more, to the emoluments which the deceased Government servant may have been drawing at the time of his death; he being a U.D.C. at that time would have been in the scale of Rs.1200-2040. In these circumstances, it is difficult to hold that the family of the deceased Government servant was left in indigent financial condition.

5. The conclusion drawn by the Tribunal in the judgement dated 22.11.1990 was that the income of the family will be almost equal, if not more, to the emoluments which the deceased Government servant might have been drawing at the time of his death. No fresh facts have been brought to our notice in the present application. We are, therefore, of the opinion that this is not a fit case in which a direction should be issued to the respondents to appoint the applicant on compassionate grounds.

6. However, in the interest of justice and equity, we direct that the applicant shall not be dispossessed of the Government accommodation for a reasonable period,

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say, upto 31st August, 1991, subject to her payment of the monthly rent in accordance with the relevant rules. The application is disposed of accordingly at the admission stage itself.

There will be no order as to costs.

*B.N. Dhondiyal*  
(B.N. Dhondiyal)  
Administrative Member

*P.K. Kartha*  
(P.K. Kartha)  
Vice-Chairman(Judl.)