

CENTRAL ADMINISTRATIVE TRIBUNAL
(PRINCIPAL BENCH)
New Delhi

OA/TA No. 224 OF 2004

Jageshwarani Devi v/s G.N.C.T.

PART-I PERMANENT RECORD

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Signature & Date:	Signature & Date :
Name :	Name :
Designation :	Designation :

3.2.2004

(1)

Item - 2

O A - 224/2003

MA 201/2004

Present - Shri R.K. Shukla proxy
counsel for Bt. Javinder Kaur
counsel for the applicant.

At the request of learned
counsel, adjourned to 05.2.2004.



(Bharat Bhushan)

Member (J)

Pres. Court

nb

(2)

5/2/04.

CA 224/02

Present - Mrs Jasvinder Kaur. Counsel for Appellant

CA is Dismissed by SSG Himel M
S. K. Nanda M (A) order on separate
sheet

B. D.

Bill
Carroll

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

New Delhi, this the 5th day of February, 2004

OA 224/2004

Hon'ble Shri S.K. Naik, Member(A)

1. Smt. Jagmeshwari Devi
w/o late Shri Mahabir Singh
2. Pramod Kumar
Village Sunehara, POO Khekra
District Baghpat, Uttar Pradesh .. Applicant

(Ms. Jasvinder Kaur, Advocate)

versus

1. Lt. Governor, NCTD
Delhi Police Hqrs., New Delhi
2. Joint Commissioner of Police
Delhi Police Hqrs., New Delhi .. Respondents

ORDER(oral)

MA 210/04 for-joining together is allowed.

2. Applicants by virtue of this OA have challenged the order dated 3.3.2003 by which respondents have rejected their case for grant of compassionate appointment.

3. The relevant facts of the case are that Shri Mahabir Singh, while working as Driver with the respondents-department died on 15.11.2001 leaving behind his widow (applicant No.1), three sons and one daughter.

4. Applicant No.1 claims that she had made a representation sometime during 2002-2003 before Respondent No.2 requesting for appointment of her youngest son(applicant No.2) as Constable on compassionate ground. Her representation however was rejected on 3.3.2003. Thereafter she made another representation before the Lt.Governor which was also replied in negative vide letter dated 13.11.2003 (Annexure A-3). Counsel for the applicant contends that

Verdict

despite the fact that applicant No.1 and her family are below the poverty line, respondents have rejected her request for appointment of her youngest son on compassionate ground without assigning any reason. He also states that the respondents have failed to consider the financial position of the family of applicant No.1 properly and have thus violated the concept of providing compassionate appointment to the family in need.


5. On perusal of records I find that while Shri Mahabir Singh died in harness on 15.11.2001, applicant No.1 appears to have made a representation for compassionate appointment after a long lapse of time sometime during the year 2003. The respondent-department in letter dated 3.3.2003 has clearly stated that the Screening Committee headed by the Commissioner of Police, Delhi considered her request after taking into account the financial condition of the deceased's family, liabilities and all other relevant factors such as the presence of earning member, size of the family, age of the deceased at the time of death as well as instructions of the Govt. of India on the subject but did not find her case fit for appointment. Applicant No.1 thereafter filed another representation without any date before the Lt. Governor, which also has been replied to on 13.11.2003 stating therein that her request could not be acceded to.

6. As per the statement of the applicant in the OA, it is seen that the deceased has left behind the widow, two married sons, one married daughter and applicant No.2,

3/11/03

youngest of the three sons who is 31 years old and stated to be unemployed. These facts have been taken into consideration by the respondents as is obvious from the impugned order.

7. It is settled legal position that compassionate appointment cannot be claimed as a matter of right and that Court/Tribunal cannot pass any order directing the respondents to grant such appointment. It has also been held that it is not a vested right to be exercised at any time opportune to the applicant. In the instant case applicant No.1 had made representations after a lapse of about two years and it cannot be said that the family was in penury or without any means of livelihood. Besides two of her sons are employed though they are married. It is stated by the applicant No.1 herself that she has received post-death payments amounting to Rs.8,00,000/- and she is receiving family pension. A son who is 31 years old too could not be claimed to be a burden on the widow. After taking into consideration all the facts, respondents have passed a detailed, reasoned and speaking order, which in my view, does not suffer from any illegality. I do not find any justification for intervention in the matter. Resultantly, this OA being bereft of merit is dismissed in limine at the admission stage itself.


(S.K. Naik)
Member(A)

/gtv/