

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 68/2004
MA 114/2004

(3)

New Delhi, this the 22nd day of January, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

1. Smt. Vidya Devi

Widow of Late Sh. Inderpal Sharma
formerly Senior Binder, Govt. of India Press
Aligarh (UP).
R/o 1/1128, New Tika Ram Colony
Nr. Old Etah Chungi, Naurangabad,
G.T.Road, Aligarh, UP.

2. Anil Kumar Sharma

S/o Late Sh. Inderpal Sharma
formerly Senior Binder, Govt. of India Press
Aligarh (UP).
R/o 1/1128, New Tika Ram Colony
Nr. Old Etah Chungi, Naurangabad,

...Applicants

(By Advocate Sh. D.N.Sharma)

V E R S U S

1. Union of India through
The Secretary
Ministry of Urban Development
Nirman Bhawan, New Delhi.

2. The Director of Printing
Govt. of India, B Wing
Nirman Bhawan, New Delhi.

3. The Manager
Govt. of India Press
Aligarh, UP.

...Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha,

MA for joining together is allowed.

2. Heard the learned counsel for the applicants. The applicants have filed this OA with prayers that the respondents be directed to re-consider the case for appointment of applicant No.2 on compassionate grounds. It is observed that the husband of the applicant No.1 and father of the applicant No.2 Late Sh. Inderpal Sharma, Assistant Binder at Govt. of India Press, Aligarh, died while in service on 27-11-2001 leaving behind seven dependents with

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-2/-

none of them earning for the family. An application was made by the applicants to the respondents for appointment on compassionate grounds thereafter. It is observed that the matter remained pending with the respondents for quite long and only after an appeal was submitted to the Prime Minister's office that the matter was given consideration by the respondents ; but it was finally rejected for the reasons that the family had received terminal benefits of an amount of Rs.3,63,084/- ; that the widow had been granted family pension of Rs.2375/- per month, which according to them, exceeded the poverty limit of Rs.1767.20/- as prescribed by the Planning Commission ; and that the family had a dwelling unit on 150 Sq. Yds. of land.

3. The learned counsel for the applicants has, however, submitted that reference to the poverty limit and that family pension has been granted to the family of the deceased employee, are not relevant when the size of the family dependent on the deceased employee and now on the applicants is taken into account. This amount becomes quite meagre with reference to the number of dependents being seven (7). He has also referred to the Scheme which has been issued by the Deptt. of Personnel & Training vide their OM No.14014/19/2002-Estt (D) dated 5-5-2003, whereunder, among other things, it has been stated that such cases should be considered for three years. There is a reference, in the said OM of the DoPT, to the directions to the authorities concerned to prepare a Scheme for appointment on compassionate grounds. The argument of the learned counsel for the applicant is that the respondents have not considered the case of the applicant with reference to the directions contained in the DoPT's above mentioned OM.

 

4. On perusal of the facts submitted by the applicant, it is observed that the family of the deceased employee is fairly large and the amount which has been granted to the family as family pension is virtually insignificant for such a large family. It also does not look quite appropriate on the part of the respondents to reject the case of the applicants simply because some terminal benefits have been given to the widow of the deceased employee. There are quite a large number of decisions in this regard, in which, it has been held that terminal benefits cannot be held against the applicant seeking such appointments.

5. Under these circumstances, I consider it appropriate to dispose of this OA at this stage itself while hearing on the point of admission without issuing notices to the respondents, with directions to them to re-consider the request of the applicants under the instructions of the DoPT as referred to by the applicants in this OA and to dispose it of within a period of three months from the date of receipt of a copy of this order by issuing a reasoned and speaking order as per law and instructions on the subject.

6. The OA thus stands disposed of in terms of the above observations/directions.



(SARWESHWAR JHA)
MEMBER (A)

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