

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

(1)

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O.A.No. 1699/92.

DATE OF DECISION 24.8.1993.

SHRI MANOJ KUMAR SANDRIA &amp; ANRS

Petitioner

SHRI D.R. GUPTA,

Advocate for the Petitioner(s)

Versus  
UNION OF INDIA & OTHERS

Respondent

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. B.S. Hegde, Member (J)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

## J\_U\_D\_G\_E\_M\_E\_N\_T

[Delivered by Hon'ble Shri B.S. Hegde, Member (Judicial)]

The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs :-

- (1) The respondents be directed to appoint the applicant against some suitable post in Group 'C' category or as a copy holder on compassionate ground after declaring the

*[Signature]*

Asstt.  
Memo. dated 14.2.1992 issued by the Director (12)

Asstt. Manager (Admn.), Ministry of Urban  
Development, Directorate of Printing, Govt.  
India Press, Ring Road, Mayapuri, New Delhi,  
rejecting the request from Smt. Shakuntala  
Devi wife of late Shri Shyam Lal, Ex-Machine  
Man, Government of India Press for appointment of  
her son as arbitrary and illegal.

2. Applicant No. 1 is the son and applicant No. 2 is  
the widow of Shri Shyam Lal, the deceased Government servant,  
who was employed as Machine Man in the Government of India  
Press, Ring Road, Mayapuri, New Delhi, and expired on 25th  
May, 1991. The deceased Government servant died in harness  
leaving behind his wife, two sons and one daughter. In the  
absence of the bread earner, the wife of the deceased request-  
ed the respondents to appoint her eldest son, Manoj Kumar,  
on compassionate ground as he has passed the Delhi Secondary  
School Examination and has studied upto 12th standard. That  
request has been turned down by respondent No. 2 on the ground  
of non-availability of the vacancy as a copy holder in the  
Government of India Press. Since he did not get any favour-  
able reply from the respondents, he has filed this application.

3. The respondents, in their reply, have submitted that the widow of the ex-Government employee had received a sum of Rs. 93,000/- and odd from the Government in the shape of pensionary benefits. Apart from that she gets 1,000/- rupees as family pension. Therefore, her request for compassionate appointment has been rejected on the ground that there is no post of copy holder lying vacant in the department against compassionate quota. (3)

4. The Ld. counsel for the applicant, Shri D.R. Gupta, draws my attention that it is not open to the respondents to take whimsical plea stating that the heirs of the deceased received pensionary benefits and also getting family pension. Therefore, the compassionate appointment is not warranted. Since the entire amount has been spent on the marriage of the deceased's daughter, and in support of his contention he relied upon the Supreme Court's decision in Smt. Sushma Gossain vs. UOI [AIR 1989 SC 1976] wherein it is held that "it can be stated unequivocally that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should therefore be provided immediately to redeem

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the family in distress. It is improper to keep such cases pending for years. If there is no suitable post for appointment supernumerary post should be created to accommodate the applicant". The same view is reiterated by the Supreme Court in Phoolwati's case [(1991) 17 ATC 937].

5. Keeping in view all the principles laid down in the aforesaid cases, the respondents are obliged to consider the request of the wife of the deceased employee for appointing her son on compassionate ground. To say that the deceased employee's wife gets the family pension and also got pensionary benefits is not a ground to be taken by the respondents especially having served for many years and died while in service the department should take sympathetic view of the matter and not to reject on the ground that the beneficiaries have received the pensionary benefits etc. In the instant case, the applicant has asked for a particular posting which may not be available in the Printing Press, Mayapuri but the same may be available elsewhere and the applicant can be considered for the same.

It is true that the respondents have prepared a list of persons who are to be considered for compassionate appointment but I am afraid, no progress has been made for providing any suitable to the persons employment/whose names appeared in the list published by the respondents. In the facts and circumstances of the case and

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the conditions under which the applicant is situated,  
as and when the post of copy holder becomes available,  
the respondents should consider the name of the applicant and call for interview or written test, if any,  
and give an opportunity for him to appear for the same.  
Accordingly, the respondents are directed to reconsider  
the request of the applicant for considering him for the  
post of 'copy holder' within a period of four months on  
receipt of this order. The O.A. is disposed of in the  
light of above with no order as to costs.

*B.S. Hodge* 24/8/93  
(B.S. Hodge)  
Member (Judicial)