

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

12

Regn.No. OA 1717/1992 Date of decision: 11.12.1992

Shri Harbans Lal

...Applicant

Vs.

Union of India through the
General Manager, Northern
Railway

...Respondents

For the Applicant

...Shri D.C. Vohra,
Counsel

For the Respondents

...Shri H.K. Gangwani,
Counsel

CORAM:

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

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

1. To be referred to the Reporters or not? *Yes*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The short point for consideration is whether sister's son of a deceased Government servant who was a bachelor is a "near relative" eligible for appointment on compassionate grounds in accordance with the provisions of OM dated 30.06.1987 issued by the Department of Personnel and Training on the subject. The said OM provides, inter alia, that it applies to a son or daughter or near relative of a Government servant who dies in harness including death by suicide, leaving his family in immediate need of assistance,

when there is no other earning member in the family.

2. The stand of the respondents is that the deceased Government servant was a bachelor and as such he left no family to be looked after. The stand of the applicant is that a bachelor is not precluded by any law from having a family to be looked after.

3. The OM dated 30.06.1987 does not define the expression "family". A bachelor may have his father/mother/sister/brother as the members of his family in the sense that he may be living with such near relatives. In the event of his death, such a relative dependant on him may be in immediate need of assistance. In the instant case, Shri Suresh Chand, died in harness, leaving behind Kamla Devi, his widowed sister who had been looking after him till his death. Her son, Harbans Lal who is the applicant requested the respondents for appointing him ^{has to} on compassionate grounds as he is unemployed and/look after the family of the deceased Government servant. The family members had been staying with the deceased Government servant at the Government Quarter at 28, Dhobi Ghat, Mohabat Khan Road, New Delhi.

4. On 12.8.1992, the Tribunal passed an interim order directing the respondents not to dispossess the Q

applicant and his mother from the aforesaid quarter.

5. We have carefully considered the matter. The question arises whether the OM dated 30.06.1987 can be construed narrowly so as to restrict its application to the near relatives of married Government servants who dies in harness. The said OM embodies the salutary Government policy that sons/daughters/near relatives of a deceased Government servant may be appointed on compassionate grounds in deserving cases. The emphasis is on the capacity of such person to look after the family of the deceased Government servant. A sister, even a widowed one, represents another web of relationships and even if she is deemed to be the 'family' of the deceased in the broader sense of the term, the property left by her husband or her financial condition would have to be taken into account.

6. In the light of the above, we are not inclined to give direction to the respondents to consider the case of the applicant for appointment on compassionate grounds under the existing rules. This would not, however, preclude them from examining the matter in details and taking appropriate decision on their own. The interim order passed on 12.08.1992

directing the respondents not to dispossess the applicant from Quarter No.28, Dhobi Ghat, Mehabat Khan Road, New Delhi, will continue for a period of thirty day from the date of this order. There will be no order as to costs.

B.N. Dhundiyal
(B.N. DHUNDIYAL)
MEMBER (A)
11.12.1992

(P.K. KARTHA)
VICE CHAIRMAN (J)
11.12.1992

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