

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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O.A. NO.1854/92

Date of Decision : 24/02/93

Smt. Chameli Devi & Ors.

...Applicants

Vs.

Union of India & Ors.

...Respondents

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HON'BLE SHRI J.P. SHARMA, MEMBER (J)

HON'BLE SHRI S.R. ADIGE, MEMBER (A)

For the Applicants

...Shri V.P. Sharma,
Counsel

For the Respondents

...Shri V.K. Rao, proxy
counsel for
Mrs. Raj Kumari Chopra,
counsel

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

Applicant No.1 is the widow, applicant No.2 is the son of the deceased, Shri Hira Singh, who was working in Ordnance factory, Muradnagar, under the General Manager, Ordnance Factory, Muradnagar, Ghaziabad. Shri Hira Singh, aforesaid died in harness on 9.1.1992. On his death he is survived by the following family members :-

Applicant No.1-widow, applicant No.2, son besides two other sons and one daughter who are all minor.

There are also four married daughters in the family. It is the case of the applicant that the family is in indigent circumstances and needs immediate rehabilitation and assistance in appointment

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on compassionate ground of one of the sons. In January, 1992 applicant No.1 applied for appointment of applicant No.2 on compassionate ground followed by reminder dt.16.4.1992.

The applicants were informed by the impugned memo dt.2.5.1992 (Annexure A1) that the information has already been sent vide earlier letter dt.21.3.1992 and again after reconsideration of the matter, the request cannot be acceded to. The applicant, therefore, filed the present application under Section 19 of the Administrative Tribunals Act, 1985 in July, 1992 praying that the respondents be directed to give appointment to applicant No.2 on compassionate ground to the post commensurate with his qualifications and status after quashing the impugned order.

2. The respondents contested the application and in their reply admitted that Shri Hira Singh died on 9.1.1992 after rendering services of more than 30 years. The respondents in their reply also admitted that besides the widow, there are three sons and one daughter dependent on the family and applicant No.1 is one of them, who has passed 8th class. It is further stated that there is one house in 50 sq.yards of the family and the applicants have been paid about Rs.90,000 as terminal benefits besides the widow's pension being paid of Rs.427 p.m. It is further stated that the terminal benefits along with the pension being paid to the widow have been considered sufficient



for the maintenance of the family having regard to their social status.

3. We have heard the learned counsel for the parties. The contention of the learned counsel for the applicants is that the deceased was the only earning member of the family and belonged to Scheduled Caste. The terminal benefits which were paid to the members of the family of the deceased have been spent for paying the outstanding debt which was due on the deceased. It is further argued that the family is in indigent circumstances and the paltry amount of the family pension which is being paid to the widow is not sufficient to maintain the family in these hard days. It is further stated that there is unmarried daughter also who has to be married. Further it is stated that the date of superannuation of the deceased is in the year 2002 when the family pension will also be reduced. In the above context, the respondents have not considered the case of applicant No.2 for compassionate appointment. The learned counsel has referred to the decision in the case of Sushma Gosain Vs. Union of India, AIR 1989 SC 1976. The Hon'ble Supreme Court in the case considered the matter of compassionate appointment and held that the purpose of providing appointment on compassionate ground is to mitigate the hardship due to the death of the only bread earner in

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the family. Such appointment should, therefore, be provided to the family to redeem the family in distress.

The learned counsel has also referred to the case of of Phoolwati Vs. Union of India, reported in AIR 1991 SC 469 where the Hon'ble Supreme Court has also referred to the decision in Sushma Gosai's case. We have considered the matter in the light of the above decision of the Hon'ble Supreme Court and the social status of the family of the deceased. The widow has to support besides herself three sons and one daughter, who is unmarried. One of the sons is also studying. The terminal benefits of about Rs.90,000 received by the family are said to have been disbursed in paying certain debts and this fact is not disputed by the respondents in their reply. Even the marriage of the unmarried daughter could be required to be performed and that would also involve certain expenditure. The house owned by the deceased is only in 50 sq.yards. There is no other property with the family of the deceased and also there is no other source of income.

4. In view of the above facts and circumstances, the application is allowed. The respondents are directed to give compassionate appointment to applicant No.2 to the post suitable for him within a period of preferably four months from the date of receipt of a copy of this judgement. In the circumstances, the parties shall bear their own costs.

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(S.R. ADIGE)
MEMBER (A)

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(J.P. SHARMA)
MEMBER (J) 4/2/93