

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1915/92

DECIDED ON : 25-2-93

Manoj Kalhan

... Applicant

Versus

Union of India & Others

... Respondents

CORAM :

THE HON'BLE MR. C. J. ROY, MEMBER (J)

Shri U. S. Bisht, Counsel for Applicant

Shri K. S. Dhingra, Counsel for Respondents

JUDGMENT

This is an application filed under Section 19 of the Administrative Tribunals Act, 1985 by the son of the deceased employee who died in harness on 2.12.1991, aggrieved by the orders No. A/22875/CAO/R1 dated 21.2.1992 (Annexure A-1) and No. A/22875/M-15/CAO/R-I dated 1.6.1992 (Annexure A-2) rejecting his request for employment on compassionate grounds. The facts of the case are that the father of the applicant died on 2.10.1991 and he left behind his widow, unmarried daughter and the applicant (son). It is stated that some of the relations are also dependant upon them. In the application it is stated that the applicant's mother is employed and her monthly income is about Rs.2000 to Rs.2100 and that they have received terminal benefits after the demise of the applicant's father — Rs.15000 as GPF, Rs.66000 as CGEGIS, and Rs.33000 as encashment of leave, which in all comes to a sum of Rs.1,14000. Loans of Rs.52000 incurred by the deceased were discharged by them and the rest of the Rs.50,000 were kept in fixed deposit for the marriage of the

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unmarried daughter. They have made several representations for compassionate appointment and the same were rejected. Therefore, on being aggrieved, they filed the present application.

2. The respondents have filed a counter stating that the family of the deceased has received after his death the following amounts :-

(a) Death Gratuity	Rs. 85,800.00
(b) CGEGIS	Rs. 66,272.00
(c) Leave Encashment	Rs. 33,280.00
(d) GP Fund	Rs. 15,479.00
(e) Arrears of pay and allowances on account of attestation of promotion to the grade of ACSO	Rs. 52,417.00
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	Rs. 2,53,248.00

The applicant's mother is also receiving a family pension of Rs.1040/- per month and she is also employed with a basic salary of Rs.1640/- plus usual allowances and, they are not in distress or indigent circumstances.

3. I have heard the learned counsel for the parties and also perused the records. The object of compassionate appointment is only to help the helpless survivors of the deceased who dies in harness ^{and} who are in dire need of support, indigent circumstances or ^{and} in distress. Here, the applicant's mother is receiving interest on the fixed deposit of Rs.5000/- which is kept for the marriage of her daughter and she is employed ^{and} drawing more than Rs.2000/- and that they are receiving family pension of Rs.1050/- and in total they are in receipt of more than Rs.3000/- every month.

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In 1991 (17) ATC 601 in O.A. No. 1571/90 decided on 15.2.91 on para 3 and 14 it is held by the Principal Bench of the Tribunal that when the family is receiving benefits in addition to monthly pension it is held that the family is not in indigent circumstances. In this case beyond that the applicant's mother is also employed and receiving salary and also family pension, as stated above. The more deserving cases for compassionate appointment will lose their chance if the case of those who are not exactly in indigent circumstances are considered for compassionate appointment. I, therefore, hold that the applicant is not in distress nor in indigent circumstances.

4. Under the circumstances, I dismiss the O.A. with no orders as to costs.

[Handwritten signature]
(C. J. Roy)
Member (J)