

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A. NO. 3329/92

DECIDED ON : 26.3.1993

Vinay Kumar Jayant

... Applicant

Vs.

Union of India & Others

... Respondents

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THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

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

Shri D. R. Gupta, Counsel for the Applicant

Shri P. P. Khurana, Counsel for the Respondents

JUDGMENT (ORAL)

Hon'ble Shri J. P. Sharma, Member (J) :-

Daya Chand who was employed as Telegram Man in the office of Chief Superintendent, CTO, New Delhi, died in harness on 1.6.1992 leaving behind his widow Smt. Lali Devi and four children, namely, Shri Vinay Kumar (Applicant) aged 22 years (son); Shri Avinash Kumar aged 17 years (son); Shri Manoj Kumar aged 11 years (son); and one minor daughter Kumari Ritu - 6 years. The family has been given a family pension of Rs.435/- per month and regarding the other retirement benefits the amount of gratuity is said to have been set off against the arrears due against the deceased employee for retention of the allotted quarter and also a sum of Rs.100/- has been paid towards GPF which was outstanding against the deceased employee. The contention of the learned counsel for the applicant is that the family is in indigent circumstances and needs immediate rehabilitation and assistance in compassionate appointment of Shri Vinay Kumar Jayant (applicant). The applicant is the eldest son of the deceased. The respondents in their counter opposed the grant of this relief to the applicant on the ground

that the applicant himself is not cooperating and not filling up the necessary requirement required for consideration of compassionate appointment of the applicant. For instance, he has not filed the ration card to show that the applicant was dependant and living with the deceased employee at the time of his death.

2. We have considered the matter. The respondents themselves have carried out a detailed inquiry as revealed by Annexure-C attached to the counter. A perusal of the same goes to show that the applicant is the son of the deceased employee and that he is unmarried. It is further stated that the widow along with other members of the family is still occupying the said quarter allotted to the deceased while in service. This statement of Assistant Chief Superintendent is based on certain information he has taken on the spot.

3. Learned counsel for the applicant argued that since the sole earning member has died and the quarter ^{was} allotted to him, so the rationing authorities are not issuing a permanent ration card. However, they have issued a temporary ration card.

4. In view of the above facts and circumstances, it cannot be disputed that the family is in indigent circumstances, seeing to the terminal benefits awarded to the family of the deceased as well as the strength of the family which survives the deceased employee.

5. The respondents are prepared to consider the case of the applicant if he furnishes the necessary copy of the ration card, even a temporary one.

6. At this stage, the learned counsel for the applicant has argued that the earlier ration card appears to have been cancelled and taken away by the rationing authorities. He also

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argued that ration card is not a must for consideration of compassionate appointment. We do not want to enter into this matter, when the learned counsel for the applicant has undertaken to furnish a temporary ration card to the respondents along with other particulars required by them.

7. The present application is, therefore, disposed of with the direction to the respondents to consider the case of the applicant within a period of two months for compassionate appointment on the basis of temporary ration card/any other documents which they are required to furnish in support of their case. If the applicant is still aggrieved, he can assail the order passed thereon, subject to the law of limitation, if so advised. Till the disposal of the applicant's ^{representation} ~~case as above~~, the family may not be evicted from the government accommodation subject to their paying the rent according to the rules.

Surjolige
(S. R. Adige)
Member (A)

as

J. Sharma
26.3.93
(J. P. Sharma)
Member (J)