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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
PRINCIPAL BENCH,  
NEW DELHI.

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Date of Decision: 14.8.92

OA 519/92

SMT. CHANDRA WATI

... APPLICANT.

Vs.

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

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

For the Applicant

... SHRI O.P. SOOD.

For the Respondents

... SHRI JOG SINGH.

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

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

The applicant is the widow of Late Shri Shiv Dutt, who was employee of Government of India Press, Ring Road, Maya Puri, New Delhi and died in harness on 16.1.1986 while in active service. The deceased has a family besides the widow three married sons and two un-married sons. Two eldest sons are living separately with their families and working in private firms. The third son is also living away with his wife in his

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law's house. The applicant is living with her son Subhash Chandra, who is out of employment. During the course of the employment, the deceased was allotted Type-II quarter No.152, Press Colony, Maya Puri, New Delhi. The widow with the son residing in the same quarter. The applicant's son Subhash Chandra was also tested but he was not given any appointment <sup>So</sup> as he has filed the present application for the relief that the respondents be directed to give employment to her son Subhash Chandra and further, to allow the family of the deceased to live in the quarter, allotted to the deceased. She has also prayed for quashing of the Memo dated 14.8.1989 whereby the applicant has been asked to rent as per extant rules.

2. The undisputed facts are that the deceased died in harness while working in the Press. It is also not disputed that the applicant's son Subhash Chandra was called for interview on 20.5.1988 but he was not given any appointment.

3. The respondents contested this application and stated that the widow got about Rs.70,000/- as retirement benefits and she is getting Rs.1200/- p.m. as pension. She has also got three married sons. According to the respondents, she cannot come in the category of persons to be considered for assistance for compassionate

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appointment. The respondents have categorically stated that the family was not found to be in indigent circumstances. It is admitted by the respondents that the vacancy of Machine Assistant had fallen vacant but since this is a technical post, the applicant could not be appointed to that post and does not possess the qualification for direct recruitment thereto. It is further stated that said Shri Shiv Dutt who died on 16.1.1986 would have superannuated on 29.2.1992. The condition of the family would have been the same on 29.2.1992 as it was in 1986.

4. As regards the Government premises, it is stated in the counter that the applicant has no right to continue in the same after the death of said Shri Shiv Dutt.

5. I have heard the learned counsel for the parties and have gone through the records of the case. The learned counsel for the applicant has referred to the decision of OA 618/90 Satyavir Singh Vs. UOI, decided on 26.7.1990 by the Principal Bench of the CAT. In that case also one of the sons of the deceased labourer of Government of India Press, New Delhi applied for compassionate appointment as his father died on 12.6.86 in harness. In the said OA a direction was issued to

the respondents to prepare lists of sons and close relatives of employees of all the Presses seeking employment on compassionate grounds in the order of the date on which such employees died while in service. A common list should be prepared for all Government Presses in Delhi and the applicant should be considered for compassionate appointment in his turn in the in the said list as and when a vacancy arises in any Press in Delhi. Meanwhile it was also directed that the applicant will allow to stay in the government quarter on payment of rent according to the rules. In the record there is a finding that the family was in indigent circumstances. In the present case, the deceased died leaving three married sons and the widow, who had already received about Rs.70,000/- as retirement benefits and also getting Rs.1200/- p.m. as pension. The respondents have stated that the family is not indigent. Regarding the three married sons, it is stated by the learned counsel for the applicant that these three sons are living separately even in the life time of Shri Shiv Dutt. The grievance of the applicant's counsel is that the employment has been given even those who applied for a compassionate appointment much after the applicant. whether a family is in indigent circumstances or not. The respondents in their reply have not given out whether the deceased also held certain other immoveable property

or that there are other source of living or any of the two remaining sons of the deceased are earning members or not ? In the case of Sushma Gosain Vs. UOI (AIR 1989 SC 1976), it has been held by the Hon'ble Supreme Court that there should be no delay in giving compassionate appointment because the purpose of providing appointment on compassionate appointment is to mitigate the hardship due to death of bread earner of the family. If there is no suitable post for appointment supernumerary post should be created to accommodate the applicant. The respondents have also interviewed the applicant and also got the matter inquired into the family of the deceased employee.

6. The contention of the learned counsel for the respondents is that there is quota fixed for compassionate appointment and there is no vacancy and further, the applicant's means of livelihood are sufficient to maintain herself. She does not deserve for any assistance for compassionate appointment. The learned counsel for the respondents distinguished the case of Satyavir Singh, referred to above. Here in the case of the applicant there are three other earning sons of the applicant and the applicant is also getting Rs.1200/- as pension and the sons are major. There is no other liability of the family.

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7. In the case of Sushma Gosain, the facts were totally different. The applicant belongs to indigent family and there was no one to look after the minor children. She was denied appointment on the ground of non-availability of the vacancy. In the present case, there are married sons of the deceased who are three in number and they are also earning members. Thus, it cannot be said that the family of the deceased is in indigent circumstances. The widow has got sufficient means to live a life. Though, the rules provided in giving compassionate appointment to one of the sons of the deceased but the family should be in indigent circumstances. The respondents have considered the financial status of the family of the applicant. The learned counsel for the applicant has also placed reliance on the case of *A. Samuel Vs. UOI* (1992 (1) SLJ CAT 19) and *Angeeri Devi Vs. UOI* (1991 ATJ (1)). The facts of both these cases are different. In the present case, the deceased died in 1986 and the case of applicant's son Subhash Chandra was also considered by the respondents, but the facts remain that Subhash Chandra could not be given appointment on compassionate ground as the family was not found to be in indigent circumstances. The eldest son Dev Raj of the deceased is engaged in head composing and he is also a matric. Thus, it cannot be said that the family has been left without any sufficient means of livelihood.

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The conclusion drawn by the respondents or the indigent nature of the family, therefore, cannot be found fault with.

8. However, during the course of the arguments, the learned counsel for the respondents has also stated that since the applicant's son Subhash Chandra has been interviewed and the result has not yet been announced, so if he is otherwise qualifies, he shall be given appointment but that shall not be on compassionate ground.

9. Regarding the retention of the quarter by the family of the deceased, they are totally in un-authorised occupation of the same and they have no right to retain the said premises after the death of the deceased employee only for a period of six months thereafter.

10. In view of the above facts, the application with regard to the compassionate appointment of the applicant's son Subhash Chandra is disallowed but it will not bar the consideration of Subhash Chandra for the job for which he has been interviewed and if he <sup>is</sup> finally declared successful. Regarding the regularisation of the quarter, the applicant has no case for the relief in that regard and is also dis-allowed. The respondents are directed to realise only rent as per extant rules. In the circumstances, the parties to bear their own costs.

*J. P. Sharma*  
14.8.92  
( J.P. SHARMA )  
MEMBER (J)