

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLD. BENCH
ALLAHABAD

Dated the 21st Day of November, 1997

ORIGINAL APPLICATION NO. 1353 OF 1996

HON'BLE MR. D.S. BAWEJA, MEMBER(A)

Suresh Kumar Yadav S/o Raja Ram Yadav,
R/o Village Goriyapur, P.O. Buxa
District - Jaunpur.

.... Applicant

C/A : - Shri Ganga Prasad

Versus

- (1) Union of India through Secretary
Ministry of Defence, New Delhi.
- (2) Director General Research & Development
Directorate of Personnel (Pers-9),
Government of India, Ministry of Defence,
'B' Wing, Sena Bhawan, D.H.Q., New Delhi.
- (3) Director (DMSRDE) Defence Materials &
Stores Research & Development
Establishment, G.T. Road, Kanpur.

.... Respondents

O R D E R
(Order By Hon'ble Mr.D.S.Baweja, A.M.)

This application has been filed with the
prayer for the following reliefs :-

- (a) To quash the impugned orders dtd. 10.05.95,
24.07.95 and 04.08.96.
- (b) To direct the respondents to appoint the
applicant on compassionate ground.

(2) As per order dtd. 13.10.97, it was provided that if none appears on the next date, the case shall be decided based on the pleadings & facts on the

record, keeping in view of the fact that the counsel for the applicant was not present on the several earlier dates. Learned counsel for the applicant again did not make any appearance on 12.11.97. There was also no request for adjournment. In view of the order dtd.13.10.97, I proceeded to consider the matter on merit, based on the pleadings available on record without the counsel for the applicant

(3) The case of the applicant is that his father late Shri Raja Ram Yadav while working as Trademan Grade "c" in the office of the Director, Defence Material & Stores, Research & Development Establishment, Kanpur died while in service on 25.03.93. Late Raja Ram Yadav left his family comprising of Widow Wife and five dependent sons including the applicant. The eldest son of the deceased employee was already living separately since 1977. The mother of the applicant made a request seeking appointment for the applicant on compassionate ground. The respondent no.3 vide letter dtd.27.04.93 called for some details and the same were furnished by his mother vide letter dtd.14.06.93. Thereafter the request for compassionate appointment has been rejected vide letter dtd.10.05.95. The representation made to higher authority i.e.respondent no.2 was also rejected vide letter dtd.25.07.95. Being aggrieved, the present application has been filed on 12.12.96 seeking for the reliefs detailed above.

(4) The main grounds advanced by the applicant in support of his reliefs are :-

(a) The family is in a very poor condition and the landed property is not sufficient to meet with the expenditure of the family.

(b) The applicant is entitled for compassionate appointment in view of the provisions contained in the notification of ^{Emplimenty} dependents of Government Servants dyeing in harness Rules, 1976."

(5) I have carefully gone through the impugned orders brought at the annexures A,B & C of the O.A. The purpose of the compassionate appointment is to mitigate hardship caused to the family of deceased employee due to sudden death of bread earner. The compassionate appointment cannot be taken as a matter of right and it is not a substitute for the employment and has to be considered keeping in view the penurious conditions of the family. From the impugned order at annexure A & B, it is seen that the competent authority has considered the request for the compassionate appointment keeping in view the extant rules laid down and has come to the conclusion that the financial position of the family is such that compassionate appointment is not warranted to mitigate the hardships. The applicant has not controverted the financial position brought out in the annexures A & B which form the basis for taking a decision by the competent authority. Learned counsel for the applicant was also given time to bring the facts on the record with regard to the financial position but inspite of repeated opportunities, no details have been brought ^{on} record. In this respect, I refer to the Judgment in the case of Umesh Kumar Nagpal V/s State of Haryana & Others, 1994(2) SLR 677, wherein their Lordships of Hon'ble Supreme Court have held as under in para 2 :-

"..... The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government of the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family.....".

I am unable to find any infirmity in the impugned orders calling for judicial interference keeping in view what is held by the Hon'ble Supreme Court above.

(6) In consideration of the above, I find no merit in the application and the same is dismissed at the stage of admission.

S. R. W. P.
MEMBER (A)

/rsd/