

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 5th day of January 2001.

Original Application no. 1369 of 1996.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member.

Hari Om, S/o late Shri Bhogi,  
R/o Station Road, Raja Talab, Babina Cantt,  
Distt : JHANSI

... Applicant

C/A Shri M.P. Gupta  
Shri S.K. Mishra

Versus

1. Union of India through the Secretary,  
Ministry of Defence, Govt. of India,  
NEW DELHI.

2. Station Commander, Station Headquarter,  
Babina Cantt,  
Distt : JHANSI

... Respondents

C/Rs Km. Sadhana Srivastava

O R D E R(Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

When Shri Bhogi died on 18.11.1993, he was regular safaiwala on permanent roll of respondents establishment. He left behind three sons of whom

...2/-

*Sue -*

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applicant Hari Om is youngest who applied for appointment on compassionate ground which has been refused as per annexure A-1 dated 03.12.1996, mainly on the ground that amongst the three sons left by deceased Bhogi two are already in the employment and no dependent to be supported has been left by him. It has also been mentioned that a sum of Rs. 23,794/- has been paid as DCRG to the legal heirs of the deceased employee and a sum of Rs. 484/- plus D.A. is being paid to the applicant as family pension. The applicant has come up impugning this transfer/<sup>Order</sup> mainly on the ground that his two elder brothers are living separately and the sum received as DCRG has been distributed among the three brothers and, therefore, the applicant got only  $\frac{1}{3}$  share thereof. It has also been pleaded that the family pension is only limited for a/period of time which cannot be taken as permanent source of income for his subsistence.

2. The respondents have filed CA & supported specific the impugned order with the/mention that the applicant is not under any obligation to support any dependent left by his deceased father &, therefore, not entitled for any compassionate appointment which is a provision for family in distress on the death of an employee during the service tenure and ~~has~~ not right to be ~~enherited~~.

*See*

...3/-

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3. Heard learned counsel for the rival  
contesting parties and perused the record.

4. In this matter the material facts are  
not in dispute. It is not a case of the applicant  
that he has to support any dependent of his father  
except for himself. It is not in dispute that the  
applicant is getting family pension and his other  
two elder brothers are already in the employment.  
With these facts, in view I do not find a fit case to  
the  
interfere with impugned order dated 03.12.1996, copy  
of which has been annexed as annexure A-1 to the OA  
and the OA is dismissed accordingly.

5. No order as to costs.

*See magi*  
Member-J.

/pc/