

O R A L

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : ALLD BENCH
ALLAHABAD

DATED: ALLD on this 13/10 Day of October,

CORAM Hon'ble Mr S Das Gupta, A.M.

ORIGINAL APPLICATION No.1056 OF 1997

Virendra Kumar S/o late
Shri Ram Prasad, R/o Baipayee Ka Hata,
Shukla Ganj, Dist: UNNAO, U.P.

C/A Shri V N Dhavalikar ... Applicant

Vs.

- (1) Union of India through
Secretary, Ministry of Defence
New Delhi.
- (2) General Manager
Ordnance Equipment Factory
G T Road, Kanpur
- (3) Additional Director
Ordnance Equipment Factory
G T Road, Kanpur

... Respondents

O R D E R

By Hon'ble Mr S Das Gupta, A.M.

This application has been filed challenging an order by which the request of the applicant for appointment on compassionate ground has been turned down by the respondents.

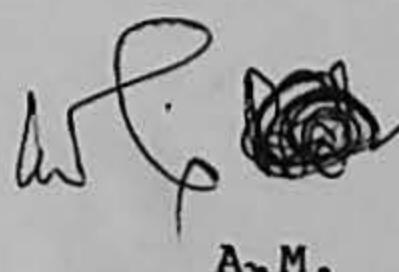
2. The applicant's father was working in the Ordnance Equipment Factory, Kanpur. He died while in service on 30.03.1996. The applicant thereafter made a request for his appointment on compassionate ground. His

request was rejected by an order dated 21.05.97, a copy of which is in Annexure A-4. A perusal of this order indicates that the reason why the respondent has rejected the request, is that widow had received a sum of Rs.1,48,688/- as retirement benefit and that the widow will be receiving Rs.708/- P.M. as family pension and therefore, family is not in dire financial straits particularly as there is no other dependent except the applicant.

3. It is now well settled by several decisions of the Hon'ble Supreme Court that compassionate employment is not a matter of right. The death of an employee does not ipso facto entitle a member of the family to be employed on compassionate ground. Such employment is an extra ordinary measure and should be resorted to only to provide timely succour to the bereaved family if the family is left in financial distress by the death of its sole bread-earner.

4. In the present case, on the basis of the terminal benefits being received by the family and also keeping in view the number of dependents, the respondent has come to the conclusion that the family is not in financial distress and therefore, they have rejected the request of the applicant. The Courts and Tribunals cannot substitute their own judgement as regards the financial condition of the family for that of the concerned authorities. It is for them to consider all aspects and decide whether a particular family is in need of financial assistance.

5. In view of the foregoing, I find no merit in the case and O.A. is accordingly dismissed summarily.


A.M.