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RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD.

Allahabad. This The 26th Day Of May, 2000
Original Application No. 915 of 1997

CORAM:

Hon 'ble Mr. S. Biswas, A.M.

Gorakh Singh son of late Sukhray
a/a 23 years, resident of Bhanwari,
post office Rasoolpur Kandhwara,
District Ghazipur

.....Applicant

(by adv: Sri K.K. Yadav)

VERSUS

1- Union Of India through Ministry
of Finance (Department Of Revenue)
New Delhi.

2- General Manager,
Shashakiy Afim Tatha Alchalied
Karkhana Pratishthan, Ghazipur.
Uttar Pradesh.

3- Chief Assistant Controller,
Shashakiya Afim Tatha Alchalied Karkhana
Pratishthan, 11/77/ Mal Murar,
Gwalior (M.P.)

.....Respondents

(by adv: Km. S. Srivastava)

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

The applicant, on of late Sukhram an ex-employee of Shasakiy Afim Tatha Alchali ed Karkhana Pratishthan (Afim Karkhana) of Gazipur U.P. who died in harness on 19-10-95 seeks that impugned orders dt 19-9-96 and 3-1-97 of respondents 1 and 2 are quashed and the applicant ~~be~~ be given a compassionate appointment by the said respondents.

2- Heard both the sides. Certain undisputed facts which have emerged from the rival submissions are as under.

3- Sukhram an employee of Afim Karkhana Gazipur expired in harness on 19-10-95. He was paralytic, due to hazardous working condition in the factory. The widow of said Sukhram made a representation on 28-11-95 for compassionate appoint of her son, but the claim was rejected by the impugned order dt 18/9-96 on the ground of *nonfulfilment* of financial criteria and presence of an earning member in the family. The applicant's son Shyamlal ~~is~~ in military service. The second representation was also rejected on 3-1-97 on the same ground. Hence, the cause of action for filing this D.A. has arisen.

4- The applicant has projected his case stating that Shyamlal who is one of the sons of the Sukhram and brother of the applicant is in military service. As he is living separately, the family is having no other earning member and their financial conditions are like others who have been granted compassionate appointment.

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5- This allegation that with similar financial conditions, other dependents of the deceased got compassionate appointment is vague. No specific example whether such family had any earning member or not has been stated. Nor the report on financial condition has been appended to take cognisance of it.

6- The respondents have contested the O.A. on the ground that in all 3 representations were made. The third representation which was made to chief controller of Factories (Head Of Deptt) was also rejected on similar ground on 13-5-97 which has not been impugned or sought to be quashed.

7- The applicant in her/his representations to the respondents 1,2, and 3 concealed the material fact that one of her sons Shyam Lal was employed in military service. The financial conditions, on necessary investigation undertaken in this behalf by the respondents before disposing of the representations, it was found that the widow's and the family's financial conditions did not warrant any compassionate appointment. One of the brothers ³ was in military service. Hence the primary condition of the rules that there are no earning member was not satisfied. Smti. Dukhni Devi widow of Sukhran received the following pensionary benefits, ⁵⁷ ~~the family~~:

(i)	Family Pension	Rs.	545=00
(ii)	Gratuity	Rs.	61,90=00
(iii)	G.P.F.	Rs..	1,04,891=00
(iv)	Group Insurance	Rs.	18,199=00
(v)	Leave in-cashment	Rs.	8,88=00
			<hr/>
			1,93,684=00
			<hr/>

The family is left with ^{an} acre of land, one pakka house. Hence there was no warrant for financial contingency of any kind.

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8- The respondents' counsel has pointed out that the Apex Court has held in Umesh Nagpal vs. ^{State of Haryana} ~~U.O.I.~~'s case that compassionate appointment is to be granted not as a matter of right but on financial contingency, which did not exist in the case. According, the claims were rejected on merits as stated earlier.

9- In view of the above, I find no reason to interfere with the rejection orders impugned by the applicant. The O.A. fails on merits. Hence dismissed with no costs.

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A.M.

A.A./