

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 16th day of September 1999.

Original Application no. 433 of 1998.

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

Anand Kumar, S/o Shri Raghunath Prasad, (Senior S.D.E)  
A/T(SW) Resident of House No. K 57-95 Nava Pura, Varanasi.

... Applicant

C/A Shri V.K. Srivastava

Versus

1. Union of India, through its Secretary, Ministry of Telecommunication, New Delhi.
2. Director of Telecommunication, Sadar Bazar, Technical & Development, New Delhi.
3. Chief General Manager, T and D Circle Jabalpur.
4. Assistant General Manager (Administration) T & D Circle Jabalpur.
5. Director, Telecommunication, Lucknow.

... Respondents

C/R Shri N.B. Singh.

... 2/-

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ORDER

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

On death of Shri Raghunath Prasad, while in service as Assistant Engineer Telecommunication at Varanasi on 30.05.94, the prayer was made by Shri Anand Kumar for suitable appointment, giving him benefit of death in harness of his father. He mentioned his date of birth as 01.05.1970 and qualification as MSc, in Organic Chemistry. Copy of this application has been filed with counter affidavit as annexure 1. As per applicant's case that inspite of his genuine claim for appointment, the same has been refused vide order dated 26.02.96 on the ground, <sup>5/2/96</sup> high power committee decided that the case is not fit for appointment in relaxation of recruitment rules. There is another order, that is annexure 6 dated 19.12.97 which decides the application of the applicant dated 21.02.97 and the appointment has been declined on the ground that the family of deceased consists of his widow, his mother, 2 sons and 1 daughter and the family is getting Rs. 1200 plus D.R. per month as family pension, received Rs. 269696/- as other terminal benefits and also having immovable properties like plots in several towns in U.P. worth Rs. 314087/- and Rs. 4391/- as rent.

2. During arguments, the learned counsel for the respondents referred a case law on compassionate appointment cites as JT 1994 (3) SC 525, Umesh Kumar Nagpal Vs. State of Haryana and others, in which guide lines has been given for granting compassionate

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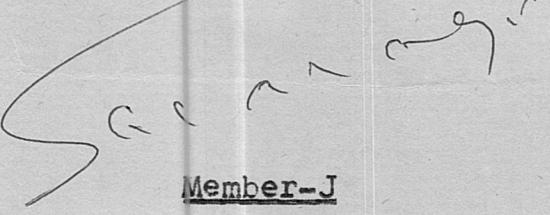
employment to the dependents of employee dying in harness and it has been observed that the financial condition of the family of the deceased has also been considered while making provision for the employment. With this law Central Administrative Tribunal, New Delhi, clarified the connotation in Reshalu and others Vs. Union of India and others, 1995(30)ATC351.

3. With referred to case law, in view of observation by the Hon'ble Supreme Court in Umesh Kumar Nagpal's case (Supra). It is clear at the time of providing employment to the member of destitute family on death of employee in harness, the financial condition of the family has also to be taken into account and while Assessing financial position it is also to be considered as to what is social and economical status of the family and the living of the family during life time of service of the deceased employee. With these facts and guidelines, I find it proper matter in which a direction be issued to the authority concern to reconsider the matter.

4. The Chief General Manager T and D Circle, Jabalpur is directed to reconsider the request of the applicant for employment for which applicant shall submit his representation alongwith copy of this order before the Chief General Manager within 3 months and the Chief General Manager shall decide the representation with reasoned and speaking order within 3 months from

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thereafter, with copy to the applicant. No order for costs.

  
Member-J

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