

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 14th day of December 2000.

Original Application no. 586 of 1998.

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

Chandra Shekhar,  
S/o Late Shri C.L. Bhowmik,  
R/o 1246/1, Gondu Compound, Civil Lines,  
Jhansi.

... Applicant

C/A Shri R.K. Nigam

Versus

1. Union of India through Secretary, Ministry of Defence, Army Headquarters, New Delhi.
2. General Manager, Indian Ordnance Factories, Govt. of India, Ministry of Defence, Itarsi (M.P.).

... Respondents

C/Rs. Km. Sadhana Srivastava

O R D E R (Oral)

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

Late Shri C.L. Bhowmik, died in harness on 9.11.93 while in service in the respondents establishment

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as Asstt. Foreman in Gun Factory. On his death, there was a move from the side of the applicant Shri Chandra Shekhar and his mother for appointment on compassionate ground of Chandra Shekhar to support the family in distress for which the matter ~~has~~ processed to certain extent, but declined finally vide impugned order dated 11.4.98 against which the applicant has come up seeking relief to the effect that this impugned order dated 11.4.98 be quashed and respondents be directed to provide appointment to applicant on compassionate ground.

2. The respondents have contested the case and filed CA.

3. In this matter it is not in dispute that the father of the applicant died in harness on 9.11.93. It is also not in dispute that the prayer of the applicant for appointment on compassionate ground has been declined on the ground that the family is not indistressed condition on financial side, because the mother of the applicant and widow of the deceased employee is serving as teacher in a State Run School and drawing so much of income which ~~which~~ can cater the need of family left as dependent of the deceased C.L. Bhowara.

4. Learned counsel for the applicant pressed that the income of the mother of the applicant is not sufficient to meet the bare necessity of a family consisting of 5 members which includes, the petitioner, his another brother, two sisters and his mother and,

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therefore, the applicant is entitled for being considered to be appointed on compassionate ground.

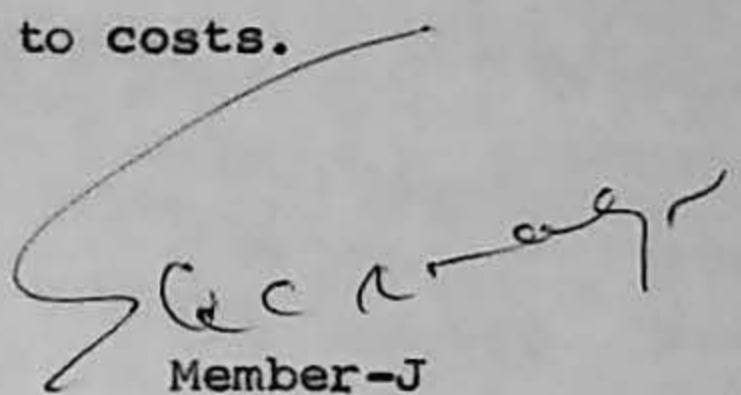
5. From the side of the respondents Km. Sadhana Srivastava, has attacked from several corners. Her first objection is that the prayer of the applicant was finally refused by letter dated 18.3.94, copy of which has been annexed as annexure CA 3, and has also been referred in the impugned order, could give cause of action to the applicant in the year 1998 and, thereby, the OA is grossly barred by period of limitation. She has also referred the pleadings on behalf of the respondents through which it has also been submitted that the compassionate appointment/dependent member of the family is subject to being/other/family member to supplement the loss of income from bread earner to relieve the economic distress of the members of the family. But in the present case the mother of the applicant is working lady and has income from her service as teacher and, therefore, it cannot be said that there is no other member of the family could supplement the loss of income from the bread earner. It has also been mentioned that the mother of the applicant is getting family pension. Under the circumstances this family cannot be said to be in economic distress.

6. Keeping in view the facts and circumstances of the matter it is found that the mother of the applicant is getting family pension and she is employed as teacher

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in a State Run School, therefore, the family cannot  
be said <sup>to be</sup> in distress for want of income to cater their  
needs.

7. Under the circumstances the relief sought  
for Cannot be granted. It goes without saying that  
the matter is also grossly barred by period of limitation,  
in view of the fact that the request from the side  
of the applicant was finally declined on 18.3.94 and  
this OA has been filed in the year 1998. For the above  
the OA is dismissed. No order as to costs.



Member-J

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