

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 988 OF 1998  
ALLAHABAD THIS IS THE 12TH DAY OF MARCH, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

1. Smt. Munni Devi,  
aged about 53 years,  
widow of Late Ram Sewak. }  
} ALL RESIDENTS
2. Satish Kumar,  
aged about 35 years,  
son of late Ram Sewak. }  
} OF 10/301  
} KHALASI LINES
3. Dilip Kumar,  
aged about 28 years,  
son of late Ram Sewak. }  
} KANPUR.
4. Vinit Kumar,  
aged about 24 years,  
son of late Ram Sewak. }  
}
5. Santosh Kumar,  
aged about 22 years,  
son of late Ram Sewak. }  
}

.....Applicants

(By Advocate Shri N.K. Nair)  
Shri M.K. Upadhyay

Versus

1. Union of India,  
through the Secretary,  
Ministry of Defence,  
Department of Defence Production,  
Government of India,  
New Delhi.
2. Additional Director General,



Ordnance Factories,  
Ordnance Equipment Factories Group Hd. Quarters,  
G.T. Road,  
Kanpur.

3. General Manager,  
Ordnance Parachute Factory,  
Kanpur. .... Respondents

(By Advocate Shri S. Mandhayan)  
Shri J.N. Sharma

ORDER

By this O.A. applicants have sought the following  
reliefs:-

"The respondents be directed to grant the benefit of compassionate appointment as a Group 'D' employee in the Ordnance Parachute Factory, Kanpur to any one of the applicants No.2 to 5, one of the dependents of the deceased employee of the Factory, namely, late Ram Sewak, Tailor, Ordnance Parachute Factory, Kanpur, who died in harness while in employment. The decisions of the respondents no.2 and 3 in the matter as communicated vide annexures A-1 and A-2 be quashed."

2. It is submitted by the applicants that their father Late Shri Ram Sewak was employed as Tailor in the Ordnance Parachute Factory, Kanpur but due to his serious illness he died on 01.10.1996 while in service leaving behind one widow who also remains sick as she is a Chronic Patient of High Blood Pressure, One son aged about 35 years who was earlier employed as a substitute winder in the Elgin Mill No.1, Kanpur but the said mill is now lying closed, applicant no.2 herein Shri Satish Kumar who is married and having two sons and two daughters, applicant no.3 namely Shri Dilip Kumar who is married but he is a Divorcee, applicant no.4 <sup>who</sup> Shri Vinit Kumar/ is also married and having one son, and



Applicant no.5 Shri Santosh Kumar is also married. It is submitted by the applicants that they were all dependant of Late Shri Ram Sewak and since they had to spend lot of money for the medical treatment of deceased employee and none of them is employed, their family condition is very bad. Therefore, they applied for compassionate appointment and the family pension which is Rs1920/- is not sufficient for sustaining such a big family as they have to pay house rent and send their children for education apart from incurring expenses on medical etc. They have also submitted that even if one of the sons is given compassionate appointment he would look after the other dependents as well. However, vide letter dated 02.09.1997, applicants were informed that their request could not be <sup>alleged</sup> exceeded to (Annexure-1). Being aggrieved as no reasons were given for rejecting the claim of compassionate appointment they represented on 02.03.1998 to the A.D.G.O.E., Kanpur by way of an appeal which was <sup>also</sup> again rejected vide letter dated 01.05.1998 (Annexure-2). It is/submitted by them that they got total amount of Rs1,77,739/- after the death of Late Ram Sewak as most of the time he had taken loan from his Provident fund accumulations, therefore, the said amount was adjusted except Rs1920/- as family pension which was earlier only Rs1850/-. They, therefore, submitted that the reasoning given in the letter rejecting their claim is wrong and since none of the sons are employed <sup>In this case is</sup> there must be a genuine case of extreme hardship, as such, they are entitled to be given compassionate appointment.

3. Learned counsel for the respondents, on the other hand, has opposed the O.A. and has submitted that compassionate



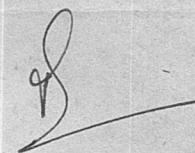
appointment cannot be sought as a matter of right nor as a line of succession. They have submitted that applicant's case was duly considered — also taking into considerations reports by several authorities regarding financial status of the family which showed that their family was not in an indigent condition. They have annexed the report dated 27.11.1996 which shows that the sons of widow are doing <sup>fourth</sup> Casual Labour work but / son is unemployed. Similarly there is another report which shows that Shri Santosh Kumar was working in the Elgin Mill where he is earning about Rs1500/- p.m Shri Santosh Kumar gets around Rs1300/- and working with a Jeweller. All the three brothers are leaving in an <sup>seated B</sup> authentic house for which they have to pay Rs200/- as rent. They have also submitted that after the death of Late Ram Sewak, applicant no.1 was paid Rs1,25,064/- apart from family pension of Rs637/- plus D.A. per month. It also shows that all the sons were grown up and were married who had their <sup>own</sup> families, therefore, the authorities came into conclusion that their family is not in an indigent condition.

4. I have heard counsel for the parties and perused the pleadings as well.

law is  
5. By now the / well settled that compassionate appointment cannot be sought as a matter of right nor as a line of succession. On the contrary, it can be granted only in extreme case of great hardship, where the family is not able to survive due to the sudden death of sole bread earner in the family. While deciding these kind of cases respondent also have to see as to what are the liabilities left by the deceased employee namely any marriageable daughter or how man



minor sons are there and whether they have sufficient amount to run the family. It is seen that the deceased employee had died leaving behind one widow and four sons who were all major <sup>2 having 8</sup> ~~out of~~ in which three sons were already married. They were <sup>of even 12</sup> their own family meaning thereby that they were all grown up. There were no liability of unmarried daughter and as per rules other sons were also working. If, the sons were unemployed, it cannot be said as a matter of right that they should be given compassionate appointment because unemployment is not one of the considerations for grant of compassionate <sup>work offer</sup> appointment. In normal course sons are supposed to ~~be~~ <sup>get</sup> for their own family after they get married and cannot claim that their family is also dependent on their father. It is not so if, their case has not been considered. The respondents have rejected their claim after considering the financial condition of the family and I do not find any illegality in the order passed by the respondents. Accordingly, this O.A. is dismissed with no order as to costs.



Member-J

/Neelam/