

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 19th day of March, 2001.

Coram: Hon'ble Mr. S. Dayal, A.M.

(D.No.944 of 2000)

ORIGINAL APPLICATION NO. 312(A) OF 2001

1. Smt. Zaibun, widow of late Mallan.
2. Km. Taiseem Jahan, d/o late Mallan,

Both r/o House No.28/65 Pakki Sarai,  
Tajganj, District Agra.

. . . . . Applicants

(By Advocate Sri N. Zaman )

Versus

1. Union of India, through the Secretary,  
Ministry of Defence, South Block,  
New Delhi.
2. The Commandant 509, Army Base Workshop,  
Agra.
3. Executive Engineer/Dy. Director,  
E.M.E. (Civ), Agra.

. . . . . Respondents

(By Advocate Sri Amit Sthalekar)

ORDER (ORAL)

(By Hon'ble Mr. S. Dayal, A.M.)

This application has been filed for setting aside the orders dated 7.12.98 and 27.8.99 and for a direction to the respondents to appoint the applicant No.2 in Group 'D' service on compassionate ground. The applicant no.1 is widow of late Sri Mallan, who died while working as a Painter and Decorator in 509 Army

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Base Workshop, Agra. The applicant no.1 sought employment for the applicant no.2 Taiseem Jahan for a group 'D' job, according to her qualification on compassionate ground. It has been stated that there are four daughters, of which two have been married and one daughter and the applicant no.2 are unmarried. The deceased employee left behind no assets, but only a debt of Rs.40,000/-, which has been paid out of the gratuity and Provident Fund. The applicant no.1 is getting Rs.2,000/-p.m. as Family Pension which, it is claimed, is insufficient to meet out monthly expenses properly. It has also been stated that the dependants of a deceased employee, who were not as deserving as applicant no.2, have been granted employment, while the case of the applicant No.2 has been rejected.

2. The arguments of Sri N. Zaman for the applicants and Sri Amit Sthalekar for the Respondents have been heard.

3. I find that by a letter dated 27.8.99 (Annexure No.6 to the OA) the Respondents have rejected the case of the applicant no.2, stating that the proposal for compassionate appointment was examined after taking into account the size of the family, amount of the terminal benefits, amount of family pension, liabilities (in terms of unmarried daughters), earning members supporting/non-supporting to the family, movable/immovable properties and income thereof. As the vacancies available for filling up compassionate appointments are extremely small, the factor of the

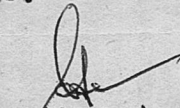
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3.

vacancies available is also taken into account. After taking all these factors into account, the case of the applicant was not found deserving. Prior to this letter, the case of applicant no.2 was earlier examined and the applicant no.2 was informed by a letter dated 7.12.98 (Annexure No.4 to the O.A.) that her appointment as Labourer on compassionate ground was considered by a Board of persons in accordance with the rules and the same has not been found fit for grant of appointment on compassionate ground.

4. The applicants have claimed that the persons named in paragraph-13 of the O.A. along with some other persons, whose cases were decided after the applicants had applied and who were given appointment on 8.3.99 were not better placed than the applicant no.2 in this case. It has not been stated as to how the applicants consider the persons named as not better placed.

5. Since the case of the applicants has been considered twice and rejected, I find no ground for entertaining <sup>it</sup> now and giving any direction. The O.A. is dismissed. No order as to costs.

  
( S. DAYAL )  
MEMBER (A)

Nath/