

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No. 722 of 2005.
ALLAHABAD THIS THE 4TH DAY OF AUGUST 2006.

HON'BLE MR. JUSTICE KHEM KARAN, V.C.

Smt. Neetu Singh W/o late Ramesh Kumar Singh C/o Shri Hira Singh
Village Panan Kuiyan, Post Mailani Saheb Wazid Via- Bayara, District
Basti (U.P).

.....Applicant.

(By Advocate : Sri A.K. Srivastava/Sri R.K. Rao)

Versus.

1. Union of India through its Secretary of Defence Ministry
Government of India, New Delhi.
2. Director, Defence Research and Development Organization,
Kanpur.
3. Director, Defence Material and Store Rsearch and
Development Establishment Kanpur.

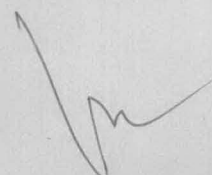
.....Respondents

ORDER

Heard Sri Anil Kumar Srivastava counsel for the applicant on this
O.A. None for the respondents.

2. The applicant is the widow of late Ramesh Kumar Singh who died
in harness on 1/2.3.2000 leaving behind him the applicant. The applicant
applied for her appointment under dying in Harness Rules, which
Authorities have declined and communicated the decision to her in the
shape of Annexure Nos, 1 and 2. She has come to this Tribunal saying
that her case was wholly justified for such appointment but the Authorities
have wrongly rejected her claim. She has also tried to narrate as to how
her economic condition is pitiable one and how she needs such
employment.

3. In para 11 of their reply, respondents tried to resist the claim of the
applicant on the ground that firstly the applicant is getting Rs.2300/- per
month as a family pension which is more than sufficient for her and
secondly she also get terminal benefits to the tune of Rs.59159/- and



thirdly her husband has left immovable property. It has also been said in this para that she is all alone and in the circumstances her case for compassionate appointment has rightly been rejected considering other cases for such appointment. Learned counsel for the applicant has tried to say that firstly an enclosure referred in para 11 of the reply has not been annexed with the reply saying that the husband of the applicant left an immovable property, as alleged, and secondly, amounts, that are mentioned in this para, could not have been taken into account for the purpose of deciding as to whether the request of the applicant for compassionate appointment was justified or unjustified. Learned counsel for the applicant has also tried to say that the case of the applicant could not have been rejected simply on the ground that there were no adequate number of vacancy in the quota of 5% Direct Recruitment.

5. The Tribunal has considered the respective submissions in the light of the pleadings. I am of the view that this O.A. is devoid of merits. Such appointment is by way of exception to the general Rule of Recruitment. According to the judicial pronouncements of the Apex Court, it has to be limited to lesser number of vacancies, in the quota of direct recruitment. Such appointment is given to one of the dependents of the family of the deceased with a view to help it to sustain itself. The applicant is getting a family pension to the tune of Rs.2300/- per month and she is all alone as stated in para 11 of the reply, so it cannot be said that she really needs such compassionate appointment to sustain herself. So this O.A. has no merit and accordingly dismissed.

No costs.

[Signature]
4.8.06

Vice-Chairman

Manish/-