

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW
(Hearing through Video Conferencing)**

**S1. No. 2
Original Application No. 332/00200/2019**

This, the 09th day of February, 2021.

HON'BLE MR. A. MUKHOPADHAYA, MEMBER (A).

Smt. Renu daughter of late Ram Khelawan and Smt Kailashi wife of Sri Rajesh Kumar, permanent resident of H.No. 20 Ka Village Teonwa Jalalpur (Narinpur) Post Khemapur District-Ambedkar Nagar residing at Mohalla HCPA Hospital (Hourse Hospital) near Arya Kanya Inter College Ist Lane Nishatganj, Lucknow.

...Applicant

By Advocate: Shri Sanjay Mishra.

Vs.

1. Chief General Manager, Bharat Sanchar Nigam Ltd. Telecom Circle, U.P. East, Lucknow.
2. General Manager, B.S.N.L. Kanpur, Doorsanchar District Kanpur.

...Respondents

By Advocate: Shri G.S. Sikarwar.

ORDER (ORAL)

Per Hon'ble Mr. A. Mukhopadhyaya, Member (A),

Heard both the learned counsel.

2. Shri Sanjay Mishra, learned counsel for the applicant, argued that the applicant was indeed wholly dependent on the

deceased employee, (her mother), at the time of her death on 09.03.2015, despite having been married to one Shri Rajesh Kumar since 06.03.1998. However, on a question from the Court, he was unable to support his contention with any specific documentary evidence.

3. Shri G.S. Sikarwar, learned counsel for the respondents, argued that in accordance with the order of this Tribunal in OA No. 571/2016 dated 11.07.2017, the respondents have fairly and comprehensively reconsidered the case of the applicant for appointment in the organization on compassionate grounds. However, as the undisputed chronology of events in this matter clearly shows, and as has also been mentioned specifically in the speaking order passed by the respondents, (Annexure-I- the impugned order), the applicant was found to be married to one Shri Rajesh Kumar and living with him since 06.03.1998. Thus, at the time of death of the employee, (mother of the applicant), on 09.03.2015, the applicant was found to be a married daughter of long standing who was not dependent on the deceased employee in any substantive manner. Learned counsel for the respondents drew this Court's attention to a clarification issued in this regard vide letter dated 16.06.2017, (Annexure R-1 to CA), which makes it clear that while a married daughter of a deceased employee can be eligible for appointment on compassionate grounds, a prerequisite condition for this is that she should be wholly dependent on the deceased employee at the time of his/her death. Shri Sikarwar, learned counsel for the respondents, argued that this is clearly not the case here. In these circumstances, he argued that the earlier

order of this Tribunal in OA No. 571/2016 dated 11.07.2017 stands fully complied with in its letter and spirit and that there is no reason to set aside the finding of the respondent organization that the applicant, being a married women well before her mother's death, was in any way financially dependent on the deceased employee, (her mother), at the time of the latter's death. Consequently, the applicant is clearly not eligible to be considered for compassionate appointment.

4. Perused the available record and considered the arguments of opposing counsel.

5. In this case, it is clear from the available record and the submissions of opposing counsel that the applicant does not meet the requisite precondition of financial dependence on the deceased employee at the time of her death. In fact, at the time of the death of the employee, she was a married daughter of long standing with no substantive evidence on record to indicate that she was financially dependent on the deceased employee in any meaningful manner. Thus, I see no valid grounds for intervention in this matter.

6. The Original Application is thus found to be without merit and is accordingly dismissed. There shall be no order as to costs.

**(A. Mukhopadhyaya)
Member (A)**