

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH) ALLAHABAD.

C.A. NO.
TA. NO.

878/92

OF 199

Date of decision---

.....Rishi Pal Singh.....Petitioner

.....Advocate for the petitioner

Versus

.....Union of India & others.....Respondent

.....Advocate for the Respondents

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CORAM :-

A. R. Sulta.
The Hon'ble Mt. ~~K. E. Sarker~~ - J. M.

The Hon'ble Mr. _____

1. Whether Reporters of local papers may be allowed to see the judgment
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

Signature

NAQVI/

THE CENTRAL ADMINISTRATIVE TRIBUNAL-ALLAHABAD BENCH-ALLAHABAD.

D.A. No. 878/92

Rishipal Singh & others..... Applicants.

Versus

Union of India & others..... Respondents.

Hon'ble Mr. A.K. Sinha - J.M.

This is an application under Section 19 of the Administrative Tribunals Act, 1985 filed by the applicants for employment of applicant no. 1 Rishipal Singh Son of late Bhim Singh who died on 13.11.89 working as Sub-Post Master in the Post Office under the control of respondent no. 3 in Dhampur Sugar Mill Post Office District Bijnoor.

2. The deceased Bhim Singh, as stated above, died on 13.1.89 due to cardiac failure leaving behind his widow Smt. Birno Devi applicant no. 2 and three sons and one daughter. The eldest son Sri Bhupendra Singh was residing separately with his family during the life time of late Bhim Singh. The second son Sri Rishipal Singh is applicant no.1 and the third son Sri Devendra Singh and a daughter were married during the life time of their father. It is stated that Devendra Singh is also un-employed and was married during the life time of the deceased employee.

3. The case of the applicants is that there is no earning member in the family to look-after the family of the deceased and, as such, the widow of the deceased applicant no. 2 filed a representation before the Chief Post-Master General U.P. Circle, Lucknow, for appointment of her son applicant no. 1 on compassionate ground under the rules.

4. The Superintendant of Post-Offices respondent no. 3 forwarded the representation of the applicants to respondent no. 2, Chief Post-Master General U.P. Circle Lucknow, who passed an order on 14.3.91 rejecting the prayer of the applicants for appointment on compassionate ground holding that one son is

employed and more than Rs.1,00,000/- as terminal benefit was paid to the family besides Rs. 840/- per month as family Pension and, therefore, the family of the applicants is not in indigent condition vide Annexure A-1.

5. The applicant no. 2 was not at all satisfied with the decision of the respondent no. 1 and, as such, an appeal was preferred before respondent no. 1 on 12.4.91 and a request was made that compassionate appointment may be given to a applicant no.1 vide Annexure A-2. When the applicants did not hear any thing from the respondents as regards the appeal, a reminder was given vide Annexure A-3 and since more than six months have been elapsed, the appeal has not been disposed of, hence the applicants have filed this case before this Tribunal praying therein for a direction to the respondent no. 1 to give compassionate appointment to applicant no. 1.

6. The respondents have appeared and filed their counter affidavit and their main contention is that the application of Smt. Birno Devi widow of the deceased Bhim Singh was considered by Circle Selection Committee constituted by Chief Post Master General U.P. Circle Lucknow and his case was rejected on the ground that one of the son of late Bhim Singh is already in employment and more than amount of Rs.1,00,000/- has been paid as terminal benefit to Smt. Birno Devi and a sum of Rs. 840/- per month is being paid as family pension. In this way factually Smt. Birno-
Devi is not in indigent condition and, as such, the said rule shall not be applicable in the case of the petitioners and information was given to Smt. Birno Devi applicant no. 2 by means of a letter dated 14.3.91 vide Annexure C.A-1.

7. The question for consideration is whether the benefit of appointment on compassionate ground can be extended to the applicant no.1 in the facts and circumstances of this case ?

8. From the pleadings of the parties, it is obviously clear that Bhim Singh died in harness leaving his three sons namely Bhupendra Singh, Rishipal Singh, applicant no. 1 Devendra-Singh and daughter. It is an admitted fact that Bhupendra Singh and Devendra Singh and the daughter were married during the life time of deceased Bhim Singh and two sons afore mentioned were living separately during the life time of their father with their families. It is ~~not denied~~ ^{also admitted} that the daughter is also married and settled in life.

9. Rishipal Singh the applicant no. 1 is aged more than 37 years, as it will be evident from his statement in the verification of pleadings he has described himself as aged ^{his} ^{where} ³⁷ ^{years}.

10. It is also an admitted fact that consequent upon the death of late Bhim Singh, the deceased employee, the family has been granted terminal benefits to the tune of Rs.1,00,000/- and a sum of Rs. 840/- per month has been granted as a family pension to the widow.

11. Where, therefore, the department concerned has, on consideration of the materials, came to the finding of fact that the family of the applicants is not in a indigent one inasmuch-as widow ~~has~~ been given a family pension Rs.840/- per month besides terminal benefit of Rs. 1,00,000/- ; and further where it is an admitted fact that all the sons of the deceased are major, out of whom the eldest and youngest are living separately with their families since the life time of their father and the third one, the applicant no. 1 himself, is above 37 years of age, ~~was~~ stated by him in the verification of the pleadings filed under Section 19 of the Act, it is obviously clear, that the benefit of appointment on compassionate ground, in the facts and circumstances, cannot be extended to applicant no. 1 Rishipal Singh because ~~of~~ the family of the deceased cannot be said to be indigent.

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12. In Smt. Surjeet Kaur Versus U.O.I. (O.A.No.933/90) decided on 24.12.91 by the Principal Bench in similar circumstances, it was held that the benefit of appointment on compassionate ground, cannot be made available to the applicant. In that case also, the applicant's husband died in harness leaving behind two sons, three daughters and widow. Applicants, two daughters and a son were married and living on their own. Applicants' request for appointment of her son as L.D.C. on compassionate ground was rejected by the respondents. Respondents held that the applicant was paid substantial terminal benefits and Rs. 900/- per month as Family Pension. In that circumstances, it was held that the rejection of request made by her for appointment of her son cannot be faulted on any legal ground.

13. On a consideration of the facts and circumstances of this case and the legal position as indicated above, to my mind, it is obviously clear, that no case has been made out to extend the benefit of appointment on compassionate ground to the applicant no. 1 and, therefore, it cannot be said that the rejection of the petition by the respondents on the ground that the applicants' family cannot be held to be indigent cannot be said to be un-founded. In that view of the matter, there is no merit in this application and the same is rejected. There will be no order as to the costs.

Arshok Kumar Singh
15/1/93

Member (J).

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Dt: January 15, 1993.
(DPS)