

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

O.A. No: 978

of 1992

T.A. No:

of 199

DATE OF DECISION: 23.4.95

R K SAXENA

PETITIONER.

ADVOCATE FOR THE
PETITIONER

VERSUS

Union of India

RESPONDENTS

ADVOCATES FOR THE
RESPONDENTS

CORAM:-

The Hon'ble Mr. Maharajdin, Member J

The Hon'ble Mr.

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

Mr

Om

SIGNATURE

JAYANTI/

(Annexure-II), hence the applicant has come up before this Tribunal for the relief mentioned as above.

The respondents filed Counter Reply and resisted the claim of the applicant on the ground that the condition of the family of the deceased is neither indigent nor distress.

I have heard the learned counsel for the parties and perused the record carefully. The

The father of petitioner, late Sohan Lal, was class III employee and had expired on 30 01 91. After his death, on the application of the widow of deceased employee, the case of his ward was considered and it was found that the family is not in indigent condition. After the death of Sohan Lal, Rs.79,000=00 were paid to his family as terminal benefits and the widow is getting Rs.675=00 per month as family pension. The applicant along with other family members are living in their own house. It is to be noted that Ramesh Chandra, eldest son of deceased employee, did not apply for compassionate appointment after the death of his father. It has been

Om

THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Original Application No.978/92

R K Saxena

..

..Applicant

versus

Union of India and others

..Respondents

*

HON'BLE MR MAHARAJDIN, MEMBER-J

This is an application for compassionate appointment of the applicant.

The relevant facts giving rise to this application are that late Sohan Lal father of applicant, was employed as a Tailor with respondent No.2, who died in harness on 30 01 91. The family of deceased employee consists of Smt Ramkali w/o deceased, Ramesh Chandra eldest son, Rakesh Kumar applicant the second son, and Mukesh Kumar the third son. The applicant has passed High School examination and eligible to be appointed as Class IV employee. The mother of the applicant submitted application for appointment of the applicant on compassionate ground which had been rejected vide letter dated 21 10 91 (Annexure-I). Another representation was also rejected on 21 04 92

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set up in defence that Ramesh Chandra is a Compounder and he is the bread winner. The applicant has stated that Ramesh Chandra is a married and is living separately. This fact has been denied by the respondents who had said that he is living jointly with the applicant and he is the bread winner. This finds support with Annexure -
^{Gyanu}
CA-2 of ~~Shram~~ Adhikari in which Ramesh Chandra is shown to be the member of Joint Family of the applicant and he is doing the job of Compounder. I am not prepared to accept the contention of the applicant that he is unemployed and living separately. In view of this report of ^{Gyanu} ~~Shram~~ Adhikari the eldest son of deceased viz Ramesh Chandra did not apply for compassionate appointment after the death of his father, which goes to show that he is fixed up somewhere and is a bread winner of the family. Thus taking into account these facts I find that the condition of the family of applicant is not indigent and distress and does not need immediate assistance.

Learned counsel for the applicant has referred Sushama Gosain's case reported in A I R - 1989 - Supreme Court - page 1976. The law laid down in this case is not



attracted to the facts of the present case.

In view of the discussions made above
the application of the applicant for compassionate
appointment is dismissed with no order as to cost.

Dinesh
22.4.95
MEMBER-J

DATED: ALLAHABAD
APRIL 22, 1993.

(VKS)
