

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 965 of 1993

Smt. Ganga Devi and Others	:::::::	Applicants
Versus		
Union of India and Others	:::::::	Respondents

Hon'ble Mr. Maharaj Din, Member (J)

The applicant has filed this application seeking direction to the respondents to provide compassionate appointment to the applicant no.2.

2. The facts which are not in dispute are that Ram Autar husband of the applicant no.1 and father of the applicant no.2 was worked as casual labour in the permanent and substantive capacity under the control of respondent no.2. He was a T.B. Patient since 1990 and lastly he expired on 02.7.1991. After the death of Ram Autar, applicant no.1 who is the widow, made an application followed by two representations asking to provide compassionate appointment to her son applicant no.2 who had become major at the relevant time. All the applications/representations submitted by the applicants were rejected by the respondents refusing to provide compassionate appointment.

3. The respondents filed counter-reply and resisted the claim of the applicant mainly on

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the ground that the family of deceased employee is not in indigent condition as the widow is getting family pension besides she has also received retiral benefits worth of Rs.32,813/-.

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

5. Learned counsel for the applicant has stressed that the labour officer who is to assist to and look after the welfare of the employee, was deputed to make an inquiry into the matter, who after having conducted the inquiry submitted his detailed report which is Annexure-1 filed with the supplementary counter-affidavit. The Labour Inspector in his report has specifically stated that the bereaved family of the deceased employee is in indigent circumstances. The family of the deceased employee does not possess any movable or immovable property and are living in a rented house lastly, the labour officer had reported that none of the member of family of the deceased employee is in employment. The retiral benefit as well as the amount of the pension referred to above, in my opinion is insufficient to run the family of four person consisting of the widow and three sons of the deceased employee.

6. It has been contended by learned counsel for the respondents that all the son of deceased employee now have become major and they can manage to

earn their livelihood on their own. This argument of learned counsel for the respondents is without merit, because the problem of the employment is acute and when the department where the deceased served as a permanent employee is not ready to give employment to any of the members then who will consider their case for providing employment on compassionate ground. The labour officer of the respondents himself in his report(supra) has drawn the conclusion that providing the employment to son of the deceased employee would be an assistance to the bereaved family. The respondents do not say that the applicant no.2 cannot be provided for want of job, meaning thereby the appointment on compassionate ground can be provided to the applicant no.2 without any difficulty.

7. Considering these facts and circumstances of the case, I find that the applicants have been able to make out a case for getting compassionate appointment. The application is accordingly allowed with the direction to the respondents to provide employment on a suitable job to respondent no.2 on compassionate ground within a period of 4 months from the date of communication of this order.


Member (J)

A 11ahabad, Dated 13th April, 1994

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