

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD

Dated: Allahabad this.....2nd day of May.....1996

CORAM: Hon'ble Mr T.L.Verma, Member (J)

ORIGINAL APPLICATION NO. 986 OF 1993

Smt. Mahraja Deviaged about 40 years
widow of late Sri Babu Lal, Ex.Labour
(Unskilled),Ticket No. 326/MB, resident
of village & Post Mardanpur, District Kanpur

2. Lakan Lal aged about 21 years son of
Late Sri Babu Lal, Ex.Labour (Unskilled),
Ticket No. 326/MB, resident of village
and Post Mardanpur, District Kanpur - PETITIONERS

(By Advocate Sri Rakesh Verma)

Versus

1. Union of India through Secretary,
Ministry of Defence, New Delhi

2. The General Manager, Ordnance
Equipment Factory, Kanpur - RESPONDENTS

(By Advocate Sri N.B.Singh)

ORDER

(By Hon'ble Mr T.L.Verma, Member (J))

In this application under section 19 of the
Administrative Tribunal Act 1985, the applicant has prayed
that order dated 11.2.92 rejecting the Representation of
the applicant to appoint her son Lakan Lal on compassionate
ground be quashed and direction be issued to the Respondent
No. 2 to appoint the Petitioner No. 2 on any suitable post
on compassionate grounds.

2. Late Babu Lal was employed as Labour (Unskilled in permanent and substantive capacity in Ordnance Equipment Factory, Kanpur. He died, in harness on 7.1.92, leaving behind him four sons, a widow and a daughter. It is stated that Late Babu Lal has left no landed property which may provide a source of livelihood to his family. As a result of the sudden death of the only bread winner, the applicants and other members of the family of the deceased are, it is stated living under great financial strain. In view of the penurious condition of the deceased Govt. Servant family, the applicant No.1, widow of the deceased Govt. servant submitted a representation for appointment of applicant No. 2 on compassionate ground. The Respondents have without giving any reason rejected the representation and declined to appoint the applicant No.2 Lakan Lal, youngest son of the deceased Govt. servant on compassionate ground. Hence this application for the relief mentioned above.

3. The Respondents have appeared and contested the claim of the applicant. In the Counter Affidavit filed on behalf of the Respondents, it has been stated that Senior Labour Officer was listed to enquire into the financial position of the applicant. A report from the District Magistrate, Kanpur, has also been obtained regarding the financial condition of the applicant. On a consideration of the report of the Senior Labour Officer and the District Magistrate, Kanpur, and the terminal benefit received by the applicant on the death of the

Govt. servant, the respondents came to a conclusion that the family of the deceased Govt. servant could not be considered as in indigent circumstances warranting appointment of applicant No.2 on compassionate ground.

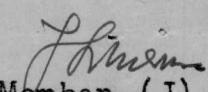
4. We have heard the Counsel for the parties and perused the records. The report submitted by the Senior Labour Officer may be seen at ANNEXURE CA-3. From the aforesaid report, it would appear that 3 of the 4 sons of the deceased Govt. servant are gainfully employed. The only daughter Srimati Kalawti is married and is living with her husband. The youngest son, Amrit Lal (Applicant No. 2) is the only liability on the widow of Late Babu Lal. These facts are not in dispute.

5. The widow is receiving family pension at the rate of Rs.442/- P.M. as family pension plus allowances. In addition to the above, after the death of late Babu Lal, his widow (Applicant No.1) received Fund assets of Rs.12,0000/-, D.C.R. Gratuity Rs. 10,608/- and C.G.I.I.S. Rs.16,674/-. In Umesh Nagpal Versus State of Haryana and others which relates to the question of appointment on compassionate ground, the Hon'ble Supreme Court has inter-alia held that mere death of an employee in harness does not entitle his dependents to a job. Financial condition of the family must be taken into account. It is only on the concerned authority being satisfied that the financial condition of the deceased is such that appointment on compassionate ground is absolutely necessary to redeem

the family from the indigent circumstances, appointment on compassionate ground can be justified.

6. We have already notice above the deceased Govt. servant has left behind him his widow and one minor son, who is studying in Tenth Class. The three major sons of the deceased Govt. servant are employed. The widow of the deceased Govt. servant is receiving family pension at the rate of Rs.442/- P.M. plus allowances and besides the family pension, she has been paid a sum of Rs.39,000/- as terminal benefits of the deceased Govt. servant. The financial status of the widow of the deceased Govt. servant though may need be described as affluent yet the same cannot be said penurious. In that view of the matter the applicant is not entitled to appointment on compassionate ground.

7. In view of the above, I am satisfied that no case for appointment of Applicant No.1 on compassionate grounds has been made out. This application is, therefore, in the circumstances of the case discussed above, ~~is~~ dismissed as devoid of merit. The parties shall bear their own cost..


Member (J)

RJ