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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 1051 of 1993

V.P. Singh

... Petitioner

Versus

Union of India and Ors

... Respondents

GRAM:

HON'BLE MR. JUSTICE R.K. VARMA V.C.

By this petition filed Under Section 19 of the Administrative Tribunals Act 1985, the petitioner has sought a direction to the respondents for giving him appointment on compassionate ground and permitting him to reside in the Government accommodation in his occupation alongwith his unmarried sister where he has been living since prior to the death of his father Sri Harkeshwar Singh, Cable Jointer who died in harness on 17.1.91 at the age of 55 years.

2. The facts giving rise to this petition are as follows:

Late Shri Harkeshwar Singh was discharging the duties of Cable Jointer under the Supervision of Respondents No.3 Telecom District Manager Allahabad when he died on 17.1.91 at the age of 55 years leaving behind him his widow Smt. Ram Pyari devi, his youngest son, the present petitioner and an unmarried daughter as dependants on his income. The other three sons of the deceased employee Harkeshwar Singh were employed,

married and living separately in the life-time of deceased Harkeshwar Singh.

3. After the death of Sri Harkeshwar Singh, his widow Smt. Ram Pyari devi was living with her youngest son, the petitioner and daughter Km. Rekha Singh in the official accommodation which had been allotted to late Harkeshwar Singh. The widow Smt. Ram Pyari devi suffered from Cancer and died three months after the death of her husband late Sri Harkeshwar Singh i.e. 21.4.91. Smt. Ram Pyari devi had suffered from cancer and she could not be saved inspite of treatment. According to the petitioner the monetary benefits received as a result of death of the deceased employee Harkeshwar Singh was spent in the treatment of deceased Ram Pyari devi, the mother of the petitioner and the petitioner with his unmarried sister are in indigent circumstances.

4. Before her death Smt. Ram Pyari devi, the mother of the petitioner had made an application dated 21.2.91 (Annexure A-1 to the petition) to the respondent no.3 for giving a suitable appointment to her youngest son, the petitioner on compassionate ground. The petitioner after the death of his mother submitted ^{an} another application dated 7.8-91 (Annexure A4 to the petition) to respondent no.1.

5. The respondents considered the application of the petitioner alongwith the applications of other candidates for appointment to Group 'C' posts on compassionate ground but the petitioner was not offered appointment, hence the petitioner filed the present petition.

6. The respondents have resisted the claim of the petitioner for appointment on compassionate grounds on the ground that the deceased Harkeshwar Singh Cable Jointer had left behind him three earning sons and that the dependants of the deceased employee had received the death-cum-retirement benefits amounting to over rupees one lakh. But as the petitioner has explained, the other sons of the deceased were not dependants on the income of the deceased employee Harkeshwar Singh, who died leaving behind the petitioner, his widow and unmarried ~~sister~~ daughter ^{RV} who were real dependants on the income of the deceased. The other sons of the deceased had separated during the life-time of the deceased and had separate families to support. The petitioner has given details of the members of the family of each of his three brothers in his application dated 7.8.91 (Annexure A-4 to the petition). The amount received by way of death-cum-retirement benefits on the death of deceased was utilised in the treatment of the petitioner's mother who died of cancer during a short span of time after the death of the deceased employee. The indigent circumstances of the petitioner and his unmarried sister who were the real dependants on the income of the deceased employee is, in my opinion, fairly proved for entitlement to an appointment on compassionate ground as a result of death of his father late Harkeshwar Singh who died in harness.

7. Accordingly, this petition is allowed. The respondents are directed to offer a suitable appointment to the petitioner, having regard to his educational qualification

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within a period of three months from the date of receipt
of this order.

8. There shall, however, be no order as to costs.

R.KM
Vice Chairman

Dated: Feb: 11 1994

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