

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD.

Allahabad This The 26th Day Of May, 2000
Original Application No. 1149 of 1993

CORAM:

Hon'ble Mr. S. Biswas, A.M.

1- Ashok Kumar son of Bachbhoo Lal
Resident Of House No. 2
Baski Khurd, Daraganj.
Allahabad.

2- Smt. Shyama Kumari widow of Bachchoo Lal,
(Died in Harness).
Resident of House No. 2
Baski Khurd, Daraganj,
Allahabad

.....Applicants

(by Adv: Sri M.K. Upadhyay, Sri M.A. Siddiqi)

Versus

1- The Union Of India Through Secretary,
Ministry Of defence, Sara Bhawan,
New Delhi.

2- The Director General Of Ordnance Services,
Master General Of the Ordnance Branch,
Army Headquarters, DHQ, P.O. New Delhi,

3- The Commandant, Ordnance Depot, Fort,
Allahabad.

.....Respondents

(by Adv. Sri C.S. Singh)

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(By Hon'ble Mr. S. Biswas, A.M.)

The applicant No. 1 seeks that the order dt. 5-2-92 of respondent No. 3, the appointing authority be quashed and direction be given to him to give compassionate appointment to applicant No. 1 as per direction in the judgment dt. 21-1-93 in O.A. No. 15 of 1992.

2- Heard the parties. The undisputed facts which have emerged in the case through the rival submissions are as under.

3- First applicant's father and second applicant's husband Late Bachchoo Lal, who was a permanent Govt. servant with respondents, he was a ~~Govt~~ ^{Govt} servant in the Ordnance Services Deptt. He died in harness on 26-5-86 leaving behind the following members in the family:

- (a) Smt. Shyam Kumari (widow)
- (b) Shri Suresh Kumar (son)
- (c) Shri Vinod Kumar (son)
- (d) Shri Ashok Kumar (son)

Only the widow and the 3rd son are applicants in this case. The following retirement benefits and family pension were sanctioned to the applicant No. 2:

- (i) Gratuity Rs. 23,383/=
- (ii) G.P. Fund Rs. 13,136/=
- (iii) C.G. EGIS Rs. 10,454/=
- (iv) DB fund Rs. 22,000/=

4- Sri Bachchoo Lal expired in 1986, Family Pension of Rs. 475/= was granted to the widow and the same was reduced to Rs. 375/= in 1993. In terms of various instructions obtaining in this behalf, the applicant was considered for compassionate appointment three times. The

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first application was submitted in the year 1986(24-7-86) by applicant No. 2 but same was rejected on 20-11-87. The applicant No. 1 sought for compassionate appointment as Mazdoor. The first representation of applicant No. 1 was rejected on 7-3-87. The applicants were required to furnish some information. The widow's son's name was required to be registered in the Local Employment Exchange. Again on 13-11-87, the applicant No. 2 submitted another application. She was directed to submit application in the prescribed form. The applicant No. 1 was again called by the respondent No. 3 to file the Form for employment under relaxed rules. After complying with all there, a similar reply was sent by the respondent which is impugned. In other words, they failed to get compassionate appointment. There is no earning members in the family other two sons who are living separately.

5- Sushma's case is cited in support of the Hon'ble Supreme Court has observed:

"It can be stated unequivocally that in all claims of appointment on Compassionate Grounds, there should not be any delay in appointment. The purpose of providing appointment on Compassionate Ground is to mitigate the hardships due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for year. If there is no suitable post for appointment supernumery post should be created to accommodate the applicant."

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But all their applications have been rejected on the ground of more needy candidates and want of vacancies.

6 The applicant's counsel ^{referred} ~~pointed out that~~ in O.A. 15 of 1992- "Partirkasha Karamchari Sang and Ravi Chaurasi Vs. U.O.I., ^{where} this Hon'ble Tribunal vide judgment dt. 21-1-93. The respondent was directed to give compassionate appointment without resorting to any ~~strict~~ formula.

7- Learned counsel for the respondents contains that the army headquarters have considered the application for compassionate appointment in terms of guidelines made in this behalf, Considering the number of availability vacancies and more deserving cases, as per the guidelines compassionate appointments are recommended. In the first place, pensionary benefits have been paid to the applicant no. 2. The widow has in all three sons two of whom are earning members. Her request for compassionate appointment to the third son is not as per the rules which requires that there be no earning members in the family. The applicant No. 1 had mentioned that all his brothers are employed but they are living separately. Therefore, ~~there was~~ ^{4/3} no financial contingency for compassionate employment of the fourth son existed as per the norm. The widow is already getting family pension, apart from the benefits of gratuity.

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8- In the O.A. 15 of 1992 HKS & Sri Ravi Chaurasia vs. U.O.I. and others, the guideline given is "In case, Union Of India decides to give compassionate appointment to the applicatt, the respondents will give effect to the same without resorting any other formula or guideline and it is expected that the case of the applicant will be considered with true and correct prospective for giving appointment in place of his father. With these observation, the application stands disposed of. No order as to costs."

9- I have looked into direction in the above case referred by the applicants. Three times representation of these applicants were considered under relaxed rules but these were rejected on merits that there were no vacancies or more deserving cases were accommodated by department observance. In doing so the department followed an objective norm. Compassionate appointments are to be made by objective test so that a more deserving case is not overlooked. It may so happen if appointment is given by simply going down the list. *The deserving candidates having no surviving members would be overlooked*

10- I, therefore, find no reasons to interfere with the orders and ^{the} application is dismissed on merits. No order as to costs.

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