

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Allahabad this the 27th day of March 1996

ORIGINAL APPLICATION NO.658 OF 1994

Hon'ble Mr S.Dayal, Administrative Member.

1. Smt. Munni Devi, w/o Late Shri Chhutukannu,
R/O 48/1, Rang Mahals Char Khamba Road,
District Shahjahanpur
2. Ram Autar s/o Chhattiknnu ... Applicants

C/A Shri P.K.Kashyap, Shri J.S.Tomar

Versus

1. Union of India through Defence Secretary,
Ministry of Defence, New Delhi
2. Additional Directorate, Ordnance Clothing Factory,
Group, HQ. G.T.Road, Kanpur - 13.
3. General Manager, Ordnance Clothing Factory,
Sahajjanpur ... Respondents

C/R Shri Amit Sthelekar.

ORDER

Hon'ble Mr S.Dayal, Member-A

This is an application under section 19 of the Administrative Tribunal's Act 1985. The applicant seeks following reliefs:

- (i) Quashing of impugned order dated 01.01.93
- (ii) Issue direction to the Respondents to grant compassionate appointment to applicant No.2, on the application of applicant No.1.

2. It is stated that the husband of applicant No.1 was posted as Safari Karamchari in Ordnance Clothing Factory at Shahjahanpur. He has stated to have died during service tenure on 15.12.90. The applicant No.1 made an application for compassionate appointment to her son, who is applicant No. 2 in this application on the ground that the deponent of the deceased has financial problems. The request of the applicant for compassionate appointment was rejected on the ground that the applicant was married and was earning

his livelihood besides applicant No.1 had been given Rs.46,272/- as terminal benefit of the deceased and Rs.470/- alongwith DA as family pension. Besides the applicants also had their own house. The applicants made representation dated 08.04.93 to the respondent stating that applicant No.2 Shri Ram Autar was unemployed and the applicants did not have her own house, as mentioned in the letter dated 1.1.93. It is also mentioned that the applicant belongs to the Scheduled Caste and had preferential weightage., for compassionate appointment as per Circular dated 30.6.87. It is stated that the applicant was living with her son in the campus of a private school which has been provided to her free of cost as her economic condition was not good. It is stated that the applicant was getting pensions of Rs.470/- which included DA and that she was given Rs.4,272/- as gratuity and Provident Fund but this can not be basis of our case for compassionate appointment.

3. The argument of Shri P.K. Kahyap learned counsel for the applicant and Shri Amit Sthelekar Learned Counsel for the respondents were heard.

4. Learned Counsel for the applicant besides the ground mentioned in the application has also mentioned as dependents of Co-employee Shri Pyare was given employment in a similar case although the family had other sources of income by way of employment in the Municipality and had their own three storied house besides other source of income. It is also been mentioned that there is reservation of 15% for Scheduled Caste for compassionate appointment. These facts have been given by the applicant in Annexure A3 to the application which is her representation dated 8.4.93.

5. Learned Counsel for the Respondents has drawn attention to the provisions of the office memorandum dated 30.6.87 cited by the applicant in which compassionate

appointments are to be given to dependent of Government servant, who died in harness leaving his family in immediate need of assistance and without there being any earning member in the family. Thus only the family which is left in indigent circumstances and is in great distress is to be considered. It has also been mentioned that the report of the Labour Officer which is the basis of assessment of pecuniary condition of the family of Smt. Munni Devi mentioned that the deceased employee had his own house for living and that her son was earning livelihood by cleaning shops. It is also mentioned that Rs.25,380/- was given as DCG, Rs.16,301/- as GIS and Rs.4,591/- as GPF along with family pension of Rs.470/- plus DA. Therefore, the case was not found fit for appointment on compassionate grounds.

6. The applicant in her representation dated 8.4.93 had contested the fact and mentioned that she had her son with his family and her daughter, who was deserted by her husband and her two children as dependents on her and that in any case her case was more deserving than that of dependent son Mukesh of Shri Pyara, who was given appointment immediately after the death of his father in 1991.

7. I have considered the facts as mentioned above by the parties. While it is true that the respondents are ultimately arbiters of the claims made by various applicants for compassionate appointments but in doing so they will have to keep in view the relative situation of various families considered for compassionate appointment during a particular year. It appears that the applicant in this case made application for compassionate appointment in year 1991 itself. Hence, the case of the applicant and the case of Shri Pyara's dependent were considered at different point of time. However, the applicant has contested the grounds on which her application was rejected and had brought this to

the notice of the respondents in her representation dated 8.4.93. This representation is still pending for consideration of the respondents.

8. In the circumstances of this case, the respondents are directed to examine whether or not the case of the applicant is equally or more deserving as compared to the case of Shri Pyara's dependent or other cases of compassionate appointments to group 'D' post which were pending when applicant No. 1 made representation for appointment of her son. This appears to be necessary in view of the reply given by the respondent to applicant No. 1 on 1.1.93 that there were other families more deserving. The applicant is allowed to send a copy of her representation dated 8.4.93 along with a copy of this ^{order} to the respondents, who shall consider the representation and dispose it of by a reasoned and speaking order within a period of three months from the receipt of the applicant's representation along with a copy of this order.

9. There shall be no order as to costs.


MEMBER-A

RJ