

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 11th day of September, 1996

Original Application No. 1047 of 1994

District : Unnao

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M.

1. Smt. Jagdei Widow of Late
Shri Sunder Lal
Ex Ticket No. 263/CY, R/o
Shuklaganj, Unnao.
2. Ravi Prakash son of Late Shri
Sunder Lal Ex Ticket No. 236/CY,
R/o House No. 331, Adarsh Nagar,
Shuklaganj, Unnao.

(Sri Rakesh Verma, Advocate)

..... Applicants

Versus

1. Union of India through Secretary,
Ministry of Defence, New Delhi.
2. The General Manager, Ordnance
Equipment Factory, Kanpur.

(By Km. Sadhna Srivastava, Advocate)

..... Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. S. Das Gupta, A.M.

This application was jointly filed by two
applicants, the first applicant being the widow and

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the second applicant being the son of a deceased Government servant.

2. The case of the applicants' is that the husband of Applicant No.1 was working a a Leather Process Worker in Skilled 'A' Category in a substantive capacity. After putting more than 30 years of service, he died in harness on 11.11.1993, leaving behind his widow, Applicant No.1 and his son Applicant No.2, as well as a minor daughter. In these circumstances a representation was made by the applicants for compassionate ground appointment of the applicant no.2. This request was turned down by the impugned order dated 26-2-1994 which is assailed in this application and the relief has been sought that the said order be quashed and a direction be issued to the respondents to appoint petitioner no.2 on any suitable post on compassionate grounds.

3. The applicants have stated that the deceased employee was the only earning member in the family and after his demise, the family which includes a minor daughter is entirely dependent on the meagre pension of Rs.613/- which the widow is getting. In these circumstances, it is pleaded that the respondents should have considered sympathetically the request of the applicants for compassionate appointment and, therefore, the order which has been passed rejecting the prayer is unfair and unjust.

4. The respondents have contested the claim of the applicants by filing a counter affidavit. It has been specifically stated that the applicant no.1 is in receipt of family pension of Rs.613+ dearness relief totalling approximately to a sum of Rs.1250/- per month. Moreover, she also received terminal benefits

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amounting to Rs.1.44 lacs. It is the contention of the respondents that the daughter of the deceased employee being the only burden on applicant no.1 and the applicant no.2 being major and married at present, it is not a deserving case for grant of compassionate employment keeping in view the terminal benefits which the applicant no.1 has received as well as the pension which she has been granted.

5. The applicants have filed a rejoinder affidavit reiterating the points already made in the OA.

6. I heard the learned counsel for both the parties and carefully perused the record.

7. It is now settled law that the death of an employee in harness does not ipso facto confer a right on the widow/son/daughter to be appointed on compassionate grounds. The Government rules provide that where an employee dies in harness leaving behind the bereaved family in indigent financial condition, one member of the family could be given compassionate appointment so as to render immediate financial assistance to the bereaved family. However, whether such appointment would be given or not, would depend on several factors, the most dominant of which is the financial condition of the family, which is left behind. It is the respondents, who must hold an inquiry with regard to the financial condition of the family. If they are satisfied that the financial condition of the family is such that the members do require immediate financial assistance, the request for compassionate appointment shall be considered.

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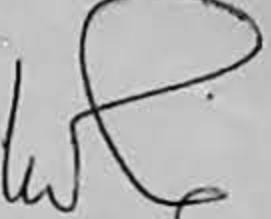
8. The impugned order~~s~~ indicated that the reason given for rejecting the request for compassionate appointment is that the applicant no.1 is in receipt of substantial pension and terminal benefits and there is no special liability on her. ~~as such appointed~~ The amounts which have been received by way of pension and other terminal benefits may not count for much in today's market conditions. Moreover, it cannot be denied that the family does have liability. It has been admitted in the counter affidavit that there is a minor unmarried daughter in the family. It would, therefore, appear from the facts averred in the counter affidavit that the respondents may not have carried out proper inquiry regarding the financial condition of the family. If they have issued the impugned order after making such an inquiry, there would have been no occasion for the Tribunal to interfere. As, however, it appears that such an inquiry may not have been carried out by the respondents, they are directed to make an inquiry into the financial conditions of the family and if thereafter they are satisfied that the financial condition of the family is such that they do require financial assistance, the request of the applicants for compassionate appointment on a suitable post shall be reconsidered. If, however, such an inquiry establishes that the family can do without any such assistance by way of compassionate appointment no further action need be taken in this case and the case will stand dismissed. Let this inquiry be completed within a period of three months from the date of communication of the order and in case the decision goes in favour of the applicant, let the compassionate appointment be given within a period of three months thereafter on any post for which the applicant no.2 is found otherwise eligible.

The learned counsel for the respondents during the course

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of hearing mentioned that an inquiry had already been held by the respondents. There is nothing in support of this on record. I, however, provide that if such an inquiry has already been held, no further inquiry need be carried out in this case and the applicants may be informed that their request for appointment on compassionate ground has been rejected after due inquiry with regard to their family's financial status.

9. With the aforesaid direction, the OA is disposed of leaving the parties to bear their own costs.



Member (A))

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