

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1049 of 1995

Allahabad this the 32 day of August 1998

Hon'ble Mr. S.K. Agrawal, Member (J)

Prem Chandra Burakoti, S/o Shri Geeta Ram Burakoti, R/o Sarswati Vihar Colony, P.O. Azabpur, District Dehradun.

Applicant

By Advocate Sri R. Dohhal

Versus

1. Union of India through Ministry of Defence, New Delhi.
2. The Engineer-in-Chief through Army Head Quarters DHO, P.O., New Delhi - 110011.
3. The Chief Engineer, Central Command (H.Q.), Lucknow.
4. The Chief Engineer Bareilly zone, Sarvatra Bhawan, Station Road, Bareilly Cantt.
5. The Garrison Engineer(M.E.S.), Dehradun Cantt.

Respondents.

By Advocate Sri Vikram Gulati

ORDER

By Hon'ble Mr. S.K. Agrawal, Member (J)

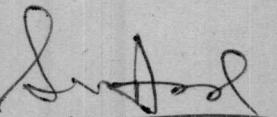
In this O.A., the prayer of the applicant is to quash and set aside the orders of the respondents dated 09.1.1995 and 04.2.1995 and direct the respondents to appoint the applicant on any suitable post on compassionate grounds.

2. In brief the facts of the case as stated by the applicant are that Sri Geeta Ram Burakoti - father of the applicant was working as Ferro Printer with the respondent no.5 and he was permanent employee. In the month of October, 1985, Sri Geeta Ram Burakoti went to Delhi in connection with his treatment. He remained in Base Hospital, Cantt, New Delhi upto 22.10.1985, but on 22.10.1985 Sri Geeta Ram Burakoti was discharged from the Hospital and since then he is missing. The family member of Sri Geeta Ram Burakoti tried to locate him but they failed. Thereafter on 15.11.1985, Sri Lalit Prasad son of Sri Geeta Ram Burakoti lodged a F.I.R. to Police Station, Cantt, New Delhi about the missing of his father- Sri Geeta Ram Burakoti and on 12.12.1985 Sri Lalit Prasad also made a complaint about the missing of his father in Missing Persons Squad Police Station, New Kotwali, Darya Ganj, New Delhi. Since then Sri Geeta Ram Burakoti is still missing. On 19.7.1988, Smt. Basanti Devi-wife of Sri Geeta Ram Burakoti and mother of the applicant moved an application for compassionate appointment for his son - Sri Prem Chandra Burakoti before respondent no.5 and thereafter made representation in October, 1988. On 26.11.1988, the respondent no.5 wrote a letter to Smt. Basanti Devi, directing her to sent the School Leaving Certificate regarding the age of the applicant and, thereafter on 26.6.89- the respondent no.5 wrote a letter to Smt. Basanti Devi, informing him that there is no provision of compassionate for wards of missing government servants. On 18.9.91, Smt. Basanti Devi again sent a representation to respondent no.3 to appoint the applicant on compassionate grounds. The respondent no.3 wrote a letter to Smt. Basanti Devi in pursuance of her letter, that her husband-Sri Geeta Ram Burakoti was tantamount to normal superannuation, as such her case is not covered under the rules. Thereafter Smt. Basanti Devi wrote several letters as mentioned in this O.A. but on 23.2.1993, the Commander Works

Engineer No.1, Dehradun Cantt. wrote a letter to respondent no.2 that compassionate appointment can not be given to the dependent of discharged personal. Thereafter, Smt. Basanti Devi wrote a letter to the Commander Works Engineer No.1, Dehradun Cantt. that her husband was not discharged from service but he is missing and case of the applicant is to be considered for compassionate appointment, but the case of the applicant has not been considered so far, therefore, the prayer has been made to give directions to respondents to consider the case of the applicant for compassionate appointment.

3. The counter-affidavit has been filed by the respondents. It is stated that application of Smt. Basanti Devi regarding the compassionate appointment for her son, was rejected on merits. It is also stated that the case of the applicant was considered on merits. It is stated that as per decision of 'L.I.C. of India Vs. Mrs. Asha Ram Chandra Ambedkar J.T. 1994 (2) S.C. 183', Court can only direct the respondents to consider the case of the applicant. The respondents have already considered the case of the applicant and rejected and decision has been communicated. Therefore, the applicant is not entitled to any relief sought for.

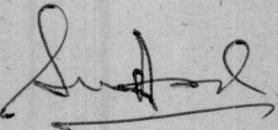
4. The rejoinder has also been filed, reiterating the facts as mentioned in the O.A. and submitted that elder brothers of the applicant are married and living in Rajasthan and Calcutta alongwith their family, whereas the applicant, his mother and two school going younger brothers are living in Dehradun. The applicant is ⁱⁿ need of service but his claim has been wrongly rejected by the respondents.



and learned lawyer for the respondents and perused the whole record.

6. In the case of 'Umesh Kumar Nagpal Vs. State of Haryana, 1994 S.C.C. (L&S) 930', it was observed that the whole object of granting compassionate appointment is thus to enable the family to tide over sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased and it is only if it is satisfied that the family will not be able to meet the crisis, that a job is to be offered to the eligible member of the family.

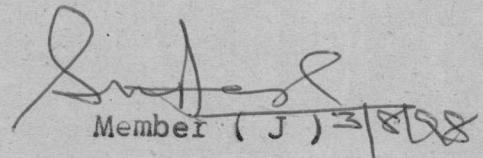
7. In the instant case, although a report has been lodged for Sri Geeta Ram Burakoti for his missing but annexure A-4 reveals that Sri Geeta Ram Burakoti was traced out. It is also an admitted position that Sri Geeta Ram Burakoti was superannuated at the age of his retirement and all the retiral benefits has been given to his wife - the mother of the applicant. Therefore, it is not a case of deceased/missing employee whose wards can be considered for compassionate appointment if indigent conditions exist in the family. From the perusal of the averments made by the respondents, it also becomes abundantly clear that no indigent circumstances exist with this family. Therefore, the case of the applicant was considered and was rejected as it was devoid of any merits. On the other hand, the applicant failed to convince this Tribunal that indigent circumstances still exist in the family. Therefore,



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the applicant failed to make out a case for his appointment on compassionate ground and, therefore, no direction can be given to respondents to consider the case of the applicant on compassionate grounds.

8. In view of the above, the O.A. is dismissed with no order as to costs.


Member (J) 3/8/58

/M.M./