

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD.

ORIGINAL APPLICATION NO.1490 of 2002.

THIS THE 24<sup>th</sup> DAY OF JANUARY 2003.

HON'BLE MRS. MEERA CHIBBER, MEMBER-J.

Prem Pal  
Son of Late Sri Jhaman Lal  
Ex-Mali (OTP) of GE(W) Bareilly,  
R/o Village Bukharu P.O. Chanbari,  
District Bareilly.

.....Applicant.

(By Advocate: Sri R.C.Pathak)

Versus.

1. Union of India  
through the Defence Secretary,  
Ministry of Defence,  
Government of India,  
South Block C.G.O., Complex,  
New Delhi-110 011.
2. The Chief Engineer,  
Bareilly Zone, Station Road,  
Bareilly Cantt.
3. The Commander Works Engineer(CWE)  
Station Road, Bareilly Cantt.
4. The Garrison Engineer(West)  
M.E.S. Bareilly Cantt.

.....Respondents.

(By Advocate: Sri Pranay Krishna)

OoRoDoEoRo

By this O.A. the applicant has sought following  
reliefs:

- "(i) Issue suitable order or direction by way of  
certiorari quashing the order dated 31.5.2002  
shown as Annexure A-1 issued by the Respondent  
No.2 as the same is being illegal, unlawful and  
unconstitutional against law of natural justice.  
Hon'ble Supreme Court judgement C.A.T.'s Benches  
Judgement and Policies and Rules of Govt. of  
India, New Delhi. The applicant had big liabilities



of his one sister for marriage and 3 younger brother, the same is not possible with the small amount applicant's mother Family pension of Rs.1375+D.A. The applicant be given Compassionate Appointment immediately for survival of his family.

(ii) Issue suitable order or direction as deem fit and proper in circumstances of the case of the applicant".

(iii) To award the cost of the order to the applicant".

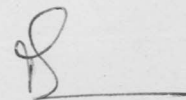
2. It is submitted by applicant that his father was working as a Mali in M.E.S. but he died on 4.8.97 while in harness. The respondent asked applicant's mother to submit the documents i.e. death certificate, family details, Statement of properties, Educational Qualification and S.C. certificate (Annexure A-3) which were filed in July 1999. However, the case of applicant was considered and rejected on the ground that Board of Officers has taken into consideration the family size, ages of children, amount of terminal benefit, pension, liabilities in terms of unmarried daughter and minor children to find out the cases of acute financial distress and whether any clear vacancy exists within the ceiling of 5% D.R. After considering everything they have come to the conclusion that after the death of deceased, family got 1.71 lac as terminal benefits + monthly pension of Rs.1650/-+dearness allowance of Rs.808. Family owns landed property worth 15000/-with income of Rs.10000/- per annum. Part of terminal benefits is invested self Md for meeting the expenses of unmarried daughter. They donot have any liability of minor children etc. whereas there are more deserving cases in the organisation, therefore, their case is not one, which requires immediate assistance (Pg.14).

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3. Counsel for the applicant relied on the certificate issued on 26.11.97 by the D.M to show that deceased left behind 3 minor sons, one major son and one daughters (Pg.29). He also relied on a judgement given by Allahabad Bench on 25.11.02 in O.A. No.1496/2001 whereby the Tribunal had given direction to the respondents to consider the appointment on casual/daily wages/adhoc/contract basis as per para 7C of scheme of compassionate appointment 1998.

4. I have heard the applicant's counsel and perused the pleadings. The law on compassionate appointment is well settled now and the Hon'ble Supreme Court has held nobody can claim compassionate appointment as a matter of right and a person only has a right of consideration. It is seen the applicant's case has been <sup>B. July 98</sup> considered by the Board of Officers and looking at the details submitted by applicant's mother there were more deserving cases than that of the applicant as they have landed property and are getting income also from it so their family was found to be <sup>B. not 98</sup> in an indigent condition. The grounds taken for rejecting the claim are valid and as per law so I donot find any illegality in the impugned order, however, since para 7(c) of scheme 1998 does provide for consideration on casual/daily wage basis/adhoc or contract basis, the respondents may consider applicant also for such engagement in case he fulfills the requirement and respondents need to engage persons on casual/daily wage/adhoc or contract basis.

5. With above directions, the O.A. is disposed off.



Member-J.

shukla/-