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Serial
No. of
OrderDate of
Order

O.A. No. 877 of 1996.

Order with Signature

Smt. Shasimoni Sahoo - Vrs. - Union of India & others.

Office note as to
action (if any)
taken on order29.X.97.

Learned counsel for the petitioner and learned Additional Standing Counsel for the Respondents are absent. On the last occasion on 30/9/97, also both the counsels were absent and it was ordered that as it is a matter of compassionate appointment, it can not be kept pending indefinitely and on the next date i.e. today the matter will be disposed of on the basis of the materials on record even in the absence of learned counsel for either side.

Today, learned counsels of both sides have not appeared. In view of their absence, I have looked into the record.

In this application u/s.19 of the Administrative Tribunals Act, 1985, the applicant, who is the widow of one Gopinath Sahoo, has prayed for quashing the order dated 25-7-96 (Annexure-A/4) rejecting the prayer of the applicant for compassionate appointment to her son Shri Nanda Kumar Sahoo. There is also a prayer for giving a direction to Respondents for providing suitable appointment to the applicant's son namely Nanda Kumar Sahoo under rehabilitation scheme.

The facts of this case, according to the applicant, are that applicant's husband was an Examiner (HS-II) and he died while in service on 17.2.1996 at Goalapara, West Bengal. After the death of the applicant's husband, applicant received a condolence message from the Departmental Authorities on 22.2.1996 which has been enclosed at Annexure-A/1. Applicant's husband, was in receipt of pay of Rs. 5,500/- per month and after his death,

Somnath Singh
29.10.97

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		<p>the applicant's family is in acute financial distress. She had applied to Respondent No.2, in her representation, at Annexure-A/2, but the Respondents in the impugned order dated 25.7.96, at Annexure-A/4, intimated that the case of the appointment of the applicant's son was considered and rejected by the Headquarters of the Office of the Ministry of Defence (DGQA). In view of the above, the applicant has come up with the aforesaid prayers.</p> <p>The Respondents, in their counter have stated that the Respondent No.2 had recommended the case of appointment of applicant's son in Gr. D Post alongwith the three Income Certificates in respect of her three sons and in consideration of the facts of the case, the DGQA Hqs had rejected the prayer for compassionate appointment. It has further been submitted that the husband of the applicant was aged 59 years and three months at the time of his death and he was only nine months away from his date of superannuation. This factor is also a consideration according to the Respondents for giving compassionate appointment. Further it has been stated that the applicant's husband left behind his widow and three sons aged 32, 30 and 28. The applicant has been granted family pension of Rs. 660/- per month which alongwith DA works out and other dues Rs.1500/- per month. Besides pensionary dues, GPF amounting to a sum of Rs. 1,58,402 have been released in favour of the deceased family members. In consideration of the above, according to the Respondents, the DGQA, Hqs have come to a conclusion that this is not a fit case for providing compassionate appointment by way of rehabilitation Assistance</p>	

Sanjay Kumar
29.10.97

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		<p>as the condition of the family is not indigent. Accordingly, the prayer for compassionate appointment has been rejected and on the above grounds, Respondents have opposed the prayer of the applicant. As earlier mentioned, in the absence of learned counsels of either side, I have not been able to hear them. But I have looked into the records.</p> <p>The undisputed facts are that the applicant's husband at the time of his death, left ^{now} behind his widow, who is <u>in</u> receipt of family pension of Rs. 1500/- per month, & three sons of the applicant are all major and married. The applicant has stated that the income of his elder son from tuition and agriculture land is Rs. 7000/- per year but he is separated from the family and the family can not rely on his income for their sustenance. The applicant has stated in her application that her son Shri Nanda Kumar Sahoo, is undermatric. She has also stated that at the instance of Respondent No.2, she had obtained three Income certificates in the name of three sons and enclosed it to her application for compassionate appointment. Whatever may be the reason for obtaining the Income Certificate separately for three sons, the Income Certificates have been given by the Revenue Authorities of Tirtol and the Respondents have taken into account the Income of the three sons at the time of rejecting the prayer for compassionate appointment. In the instant case, the applicant's son in respect of whom prayer for compassionate appointment has been made is already major and married and having his</p>	

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		<p>own family. It is inconceivable that without ^{is} any source of income he has married and bringing up a family. The fact that the applicant's husband has passed away only nine months before his date of superannuation and a sum of Rs. 1,58,402/- has been released in favour of the family are also matters which have been rightly taken into consideration by the Respondents. In consideration of the above, I do not find that the Respondents have taken any unreasonable view with regard to the financial condition of the family as also the prayer for compassionate appointment to Nanda Kumar Sahoo, son of the applicant. Hon'ble Supreme Court has held in a series of cases that compassionate appointment is not a right which can be exercised irrespective of financial condition of the family. It is a measure for rehabilitating the family where the family is in acute financial distress because of the death of the earning member while in service and this is achieved by providing a job to one of the members of the family. In the instant case, I find that the applicant has not been able to make out a case for compassionate appointment in favour of her son Nanda Kumar Sahoo. In consideration of the above, I hold that the application is without any merit and the same is rejected. No costs.</p>	

V. Venkatesh
VICE-CHAIRMAN

29.10.97