

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH : JODHPUR

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Date of order : 05.10.2000

O.A. No. 228/1996

Smt. Anita Vyas daughter of Avinash Chandra Bohra, resident of House No. 518, Guron-ka-Talab, Kamla Nehru Nagar, Jodhpur, Ex.Tech. T.D.M Office, Jodhpur.

... Applicant.

versus

1. Union of India through Secretary, Ministry of Tele-Communication, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Rajasthan Telecommunication Circle, Jaipur.
3. Telecom District Manager, Jodhpur.

... Respondents.

Mr. M.R. Singhvi, Counsel for the applicant.

Mr. B. Khan, Adv., Brief holder for Mr. K.S. Nahar, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

: O R D E R :

(Per Hon'ble Mr. Justice B.S. Raikote)

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant prays for quashing of the orders dated 15.01.96 vide Annexure A/1 and dated 26.02.96 vide Annexure A/2. By these two orders, the case of the applicant for appointment on compassionate ground has been rejected.

2. The applicant contends that she was entitled to appointment on compassionate ground. The applicant stated that her father, Shri Avinash Chandra, while in service in the Telecommunication Department as

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Supervisor, died on 27.02.94, by leaving his widow - Smt. Maggi Devi and the applicant (daughter). It is stated that Shri Avinash Chandra Bohra did not have any other issue, since the family was in indigent circumstances, the applicant was entitled to appointment on compassionate ground. But the impugned orders, rejecting such a claim for compassionate appointment are illegal and they are liable to be dismissed.

3. The respondents by filing reply have denied the case set up by the applicant ~~in this application~~. They have stated that the impugned orders do not call for any interference. They also stated that the applicant is the daughter of late Shri Avinash Chandra, and she is married to Shri Om Prakash Vyas, who is residing at Shahbad in Gulbarga district of Karnataka State. As stated by the widow, Smt. Maggi Devi Bohra, in Annexure R/1, she was only the member in the family after the death of her husband. They have also stated that the widow, Smt. Maggi Devi, was getting family pension @ Rs. 1,670/- per month, which is being increased from time to time as per rules. She has also received a sum of Rs. 2,02,216/- and she is having 3 houses in Kamla Nehru Nagar, Jodhpur. She is living in one house and other two houses are rented out and the family was not in indigent circumstances for appointment on compassionate ground. It is also stated in the reply that the High Power Committee appointed by the department, has given its report , stating all these facts and on the basis of such report, the respondents found that the applicant was not eligible for appointment on compassionate ground. They have stated that the applicant was not eligible to be appointed on compassionate ground in terms of the Memorandum issued by the Government of India dated 30.06.87 filed alongwith the reply vide Annexure R/2. They have further stated that the applicant's husband is running a "Kirana Shop" and according to the statement (Annexure R/1) given by the applicant's mother Smt. Maggi Devi, she was only the member in the family. Learned counsel for the

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respondents stated that the impugned orders have been passed on the report submitted by the High Power Committee and also the report of the Welfare Inspector. The applicant, being a married daughter, is residing at Shahbad in Karnataka State, was not entitled to be appointed on compassionate ground. The respondents also stated that as per the report submitted by the Welfare Inspector, the applicant's family is in possession of 3 houses bearing Nos. 518, 519 and 520, situated in Kamla Nehru Nagar, Jodhpur. The address given by Smt. Maggi Devi Bohra and the address given by the applicant Smt. Anita Vyas, are the same house. Learned counsel for the respondents has also relied upon affidavits at Annexures R/6 and R/7 to support his contention and stated that the applicant's mother was getting a family pension of Rs. 1670/- per month and also she got an amount of Rs. 2,02,516/- as pensionary benefits due to her husband. The High Power Committee has considered all these aspects and ultimately, opined that the applicant was not entitled for appointment on compassionate ground. Thus, the impugned orders being discretionary orders ~~they~~ do not call for any interference.

4. Heard the learned counsel for the parties.

5. The fact that the deceased Shri Avinash Chandra Bohra, died while he was in service, is not disputed. It is also not disputed that his wife Smt. Maggi Devi is the widow and the present applicant, Smt. Anita Vyas, is his married daughter. On the basis of the report of the High Power Committee of Rajasthan Circle, comprising of three senior officers and the report submitted by the Welfare Inspector, the impugned orders have been passed, rejecting the claim of the applicant for appointment on compassionate ground. According to the said reports of the High Power Committee and the Welfare Inspector, the applicant's family owns three houses bearing Nos. 518, 519 and 520 in Kamla Nehru Nagar, Jodhpur. It is also stated that Smt. Maggi Devi Bohra, has been receiving family pension @ Rs. 1670/- per month and she had also

received a sum of Rs. 2,12,216/- towards pensionary benefits due to her husband. Admittely, the applicant is a married daughter of the deceased and according to the report submitted by the concerned officer, she has been residing ^{with her hysband at} ~~in~~ Shahbad in Gulbarga district of Karnataka State. However, the applicant is denying the contents of the reports and she was even denying that her mother was getting family pension @ 1670/- per month and received a sum of Rs. 2,02,216/- towards pensionary benefits due to her husband. She also deneid the report of the High Power Committee that the applicant's family owns 3 houses, bearing Nos. 518, 519 and 520 in Kamla Nehru Nagar, Jodhpur. But one thing is certain that even if the applicant disputes, it is not possible for this Tribunal to hold furhter enquiry to give a finding one way or the other. Prima facie, we are satisfied that the High Power Committee and also the Welfare Inspector found that the family of the deceased was not in indigent circumstances, and on his death, there was no financial crisis in the family so as to provide compassionate appointment to the applicant. Thus, the impugned orders being passed on the reports submitted by the High Power Committee and also by the Welfare Inspector, we do not find any abuse of process of law for our interference. Hon'ble Supreme Court in more than one judgements pointed out that while considering the request for appointment on compassionate ground, the purpose of such scheme should be kept in view. The object of such scheme is to give a relief to the family members from economic distress due to sudden demise in harness. In extreme case, the necessary age and qualification required could be relaxed by the authorities for the purpose of appointment on compassionate ground. From going through the entire record, we do not find that the discretion exercised by the authorities call for any interference at the hands of this Tribunal. The impugned orders have been passed on the report of the High Power Committee, consiting of three senior officers and also the report of the Welfare Inspector. Therefore, we do not find any substance in this application. Accordingly, we pass the order as under :-

"Application is dismissed. But in the circumstances, without costs."


GOPAL SINGH

(GOPAL SINGH)
Adm. Member


(B.S. RAIKOTE)
Vice Chairman

cvr.

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For G. S. Wah
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Recd. Copy for Shri M. R. Singh

Recd 16/10
(VINAY JAIN)
ADV.

Part II and III deposed
in my presence on 11/10/09
under the supervision of
section officer (S) as per
order dated 10/10/09

W.C.W.
Section officer (Record)