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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH
J O D H P U R

DATE OF ORDER : 8.4.99

O.A.NO. 206/1997

Abdul Manan S/o (Late) Shri Abdul Rahman (Driver Grade II, Heavy Water Plant, Kota), By caste Muslim (Ansari), R/o Hat Chowk, Rawatbhata.

.....A P P L I C A N T

Mr. Ram Kishore Soni, for applicant.

V E R S U S

1. Union of India through the Secretary, Atomic Energy, Secretariat, South, Block, New Delhi.
2. Chief Administrative Officer, Atomic Energy, Chatrapati Shivaji Marg, Mumbai.
3. The Chief Executive Officer, Heavy Water Board, Vikram Bhawan, Atomic Energy Nagar, Mumbai.
4. The General Manager, Heavy Water Plant, PO Anushakti, Via Kota.
5. The Administrative Officer, Heavy Water Plant, PO Anushakti Via Kota.

.....R E S P O N D E N T S

Mr. Ramesh Singh, Adv. Brief Holder for
Mr. Vineet Mathur, for respondents.

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CORAM

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. N.P. Nawani, Administrative Member

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ORDER

(PER MR. A.K. MISRA)

The Applicant has filed this O.A. with the prayer that the Orders Annex.A/1 and A/2 passed by the respondents be quashed

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and the respondents be directed to consider the case of the applicant afresh for appointment on compassionate ground and appoint the applicant with all consequential benefits.

2. Notice of the O.A. was given to the respondents who have filed their reply in which it is stated by the respondents that after examining it was found that applicant is not entitled to be appointed on compassionate ground because he had received financial benefits under various schemes and the size of the family was not large enough to claim any benefit under the scheme.

3. The applicant had filed the rejoinder to the reply.

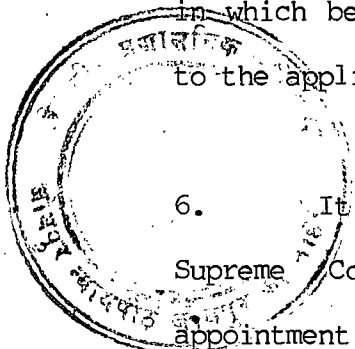
4. We have heard the learned counsel for the parties and gone through the case file.

5. The father of the applicant died during service. On his death, financial benefits under various heads to the tune of Rs. 1,70,000/- was given to the applicant. At the time of death of his father the applicant had named only himself as the dependant, therefore, after considering his case, a family pension of Rs. 765/- was granted to him by the respondents. This pension is now revised to 2,704/- which the applicant is getting. The applicant has stated in his petition that he spent the entire money at the time of the marriage of his sister but this is no ground which can be considered for providing an opportunity to the applicant for compassionate appointment. After having received the financial benefits, the applicant was to regulate his financial affair in a prudent manner. We do not know whether he was extravagant in spending the money in the marriage of his

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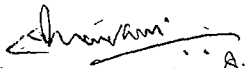
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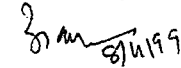
sister. If it was so, the applicant is to thank himself. The applicant is said to be married in the life time of his father. It was also argued that if compassionate appointment is not granted to the applicant, the applicant, his wife and his children may starve but we are not impressed by this argument. Compassionate appointment is provided to a penurious family so that it may survive during difficult time and may tide-over the loss of an earning member. The applicant was as per his own declaration a sole survivor of his father. At the most he and his sister could be said to be survivors of his father. With a sum of Rs. 1,70,000/- and a family pension of ^{about} Rs. 2,700/-, the applicant cannot be said to be in penurious circumstance. In our opinion, it is not a fit case in which benefit of compassionate appointment could be extended to the applicant.



6. It has been very clearly laid down by the Hon'ble Supreme Court that provisions relating to compassionate appointment cannot be allowed to be invoked for seeking appointment. This benefit can only be extended to a family who may starve to death in absence of such benefit being extended to it, therefore, the applicant cannot as of right claim to be appointed on compassionate ground. There is nothing on record to show that the applicant is in such a poor financial state that he cannot survive. By getting about 2700/- rupees as family pension, the applicant is getting almost a sum equal to a Group 'D' employee. Therefore, in our opinion, this is not a fit case in which any indulgence can be shown.

7. The case, in our opinion, bears no merit and deserves to be rejected and is hereby rejected with no orders as to cost.


(N.P. NAWANI) 8.11.99
Adm. Member


(A.K. MISRA)
Judl. Member

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Part II and III destroyed
in my presence on 4-7-06
under the supervision of
Section Officer (1) as per
order dated 16-7-06

Section Officer (Record)

Copy of order

Sent to Counsel for PCT

Counsel for Resp by Regd

AD vide No. 12560126

dt 15-4-99

A. D. attached
at 18/5/99
15/4/99
R.K.
Soni
31/5/99