

I/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR

May 14th 2002

ORIGINAL APPLICATION NO.: 193/2002

Date of decision:

HM(A)

Balveer Singh.....Petitioner

Mr. K.K.Shah.....Advocate for the Petitioner.

Versus

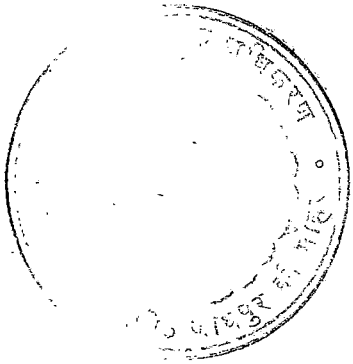
Union of India and OthersRespondents.

Mr. B.L. Bishnoi..... Advocate for the Respondents.1 &2
None Present for the respondent No.3

CORAM:

Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.

Hon'ble Mr. S.K. Malhotra, Administrative Member.

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1. Whether Reporters of local papers may be allowed to see the judgement?
 2. To be referred to the Reporter or not?
 3. Whether their Lordships wish to see the fair copy of the Judgement?
 4. Whether it needs to be circulated to other Benches of the Tribunal?


(S.K. Malhotra)
Adm. Member

(G.L. GUPTA)
Vice Chairman

I/7

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

O .A. No. 193/2002

Date of the order: 31.07.07

Balveer Singh , S/o Late Ramlal S/o Ram Singh by caste Mehrat,
aged 28 years, R/o Sendra Main Bazar, The. Raipur, Distt. Pali.

.....Applicant.

Versus

1. The Union of India through the Secretary, Ministry of Communication Sanchar Bhavan, New Delhi.
2. The Chief General Manager, (Bharat Sanchar Nigam Limited) Telecommunications, Rajasthan Circle, Sardar Patel Marg, C-Scheme, Jaipur 302 008.
3. The Dy. Divisional Engineer (B.S.N.L.) c/o General Manager Tele-communication Disttt. Pali Marwar-306 401.

.....Respondents.

Mr. K.K.Shah, counsel for the applicant.

Mr. Bishnoi B.L., counsel for the respondents.

CORAM:

**HON'BLE MR. JUSTICE G.L. GUPTA, VICE CHAIRMAN.
HON'BLE MR. S.K. MALHOTRA, ADM. MEMBER**

ORDER

(PER MR. G.L. GUPTA)

The applicant is the son of Late Ram Lal alias Ram Singh, an employee of the respondents, who died in harness on 20.03.2000. He claims appointment on compassionate grounds. His application was turned down vide Annexure - 1 dt. 11.06.2002. Hence, this O.A.

2. It is stated that the deceased employee had left behind his wife Smt. Radha Devi, two sons and one daughter and that the family is surviving on the family pension of Rs.3,200/- only as



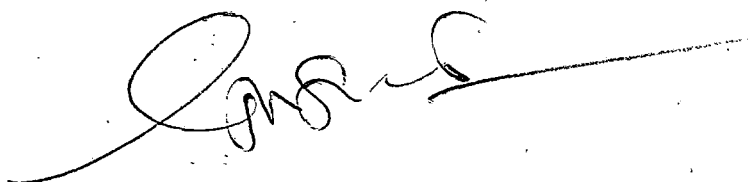
the retiral benefits have already been spent in repayment of loan and marriage of the daughter of deceased.

3. In the counter, the respondents have come out with the case that on the death of the employee the family got a sum of Rs.3.71 lacs in the form of retiral benefits and a sum of Rs.3,246/- is being paid as family pension every month and that the family has got a residential house measuring 35' x 20' and an agricultural land measuring 2 bighas 12 biswas. It is also stated that in terms of letters dt. 12.07.2001 and 21.05.2001 compassionate appointment can be made upto the maximum of 5% vacancies falling under the direct recruitment quota and that too within one year. It is prayed that the application be dismissed.

4. We have heard the learned counsel for the parties and perused the documents placed on record.

5. The contention of Mr. Shah, learned counsel for the applicant was that the application for compassionate appointment has been rejected mainly on the ground that the family has got the retiral benefits to the tune of 3.71 lacs and a family pension of Rs.3,246/- p.m. is being paid. According to him, the retiral benefits and family pension ought not to have been taken into consideration while deciding the application of the applicant. In this connection, he has cited the case of Suresh Kumar Sharma Vs. Union of India & Ors. [WLC (RAJ) 2002 Vol.5 - 317].

6. On the other hand, Mr. Bishnoi learned counsel for the respondents contended that the case for the applicant has been



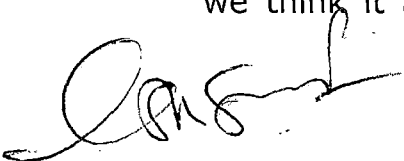
considered keeping in view all the facts and circumstances and this Court should not interfere in the matter.

7. We have given the matter our thoughtful consideration. A perusal of Annexure - A-1 shows that the case of the applicant has been rejected mainly on the ground that the family has got Rs.3.71 lacs as retiral benefits and a sum of Rs.3,246/- is being paid as family pension.

8. The Hon'ble High Court of Rajasthan in the case of Suresh Kumar Sharma (supra) has held that retiral benefits received by the family should not be taken into consideration for the purpose of denying the appointment on compassionate grounds. It is seen that in that case also a similar fact situation had arisen, as the employer had rejected the application for appointment on compassionate ground saying that the family had got huge retiral benefits. Keeping in view the law laid down in case of Suresh Kumar Sharma (supra), we hold that the respondents have erred in rejecting the application for compassionate appointment on the ground of payment of retiral benefits and the family pension that is being paid to the family.

9. In the reply, the respondents have also relied on the letters dt. 12.07.2001 and 21.05.2001 for rejecting the case of the applicant. However, in the impugned order there is no reference of those letters. It has therefore, to be held that these points were not considered by the respondents at the time of rejecting the application for compassionate appointment.

10. Keeping in view the facts and circumstances of the case, we think it a fit case in which the impugned order should be



quashed and the respondents are directed to re-consider the case of the applicant.

11. Consequently, the O.A. is allowed in part. The impugned orders dt. 11.06.2002 (Annexure - A-1) is hereby quashed. The respondents are directed to re-consider the case of the applicant for compassionate appointment within a period of three months from the date of communication of this order. No order as to costs.

S.K. Malhotra

(S.K. MALHOTRA)
ADMINISTRATIVE MEMBER

G.L. Gupta

(G.L. GUPTA)
VICE-CHAIRMAN

SVS.

Received copy
Rajni D. H. H. H.
for K. K. G. H. H.
Adm. -
5/8/03

Received copy
D. H. H.
12/13/03

Part II and III destroyed
in my presence on 25.3.09
under the supervision of
section officer [] as per
order dated 13/2/09

Section officer (Record)
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