

Central Administrative Tribunal Lucknow Bench Lucknow.

Original Application No. 500/2007

This, the 4th day of December 2007.

Hon'ble Mr. Justice Khem Karan, Vice Chairman.

Avanish Kumar Srivastava, aged about 23 years S/o Late H.s. Srivastava
residing at 511/54A, Old Badshah Naga. Lucknow.

Applicant.

By Advocate Shri Pawan Kumar Srivastava for Shri Y.S. Lohit.

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Principal Controller of Defence accounts (pension), Allahabad.
3. Deputy Controller of Defence Accounts (Administration) Office of Principal Controller of Defence accounts (Pension) Allahabad.
4. Controller General of Defence Accounts, New Delhi.

Respondents.

By Advocate Shri K. K. Shukla for Smt. Nelam Shukla

Order (Oral)

By Hon'ble Mr. Justice Khem Karan, Vice Chairman.

The applicant is challenging order dated 20.7.2006 (Annexure) by which his claim for compassionate appointment under dying in harness rules has been rejected. Amongst others, the reasons for rejecting the claim for compassionate appointment are that the widow is getting family pension @ of Rs. 6787/-+ DA thereon per month and the family has also received a sum of Rs. 5,46,898/- in the shape of terminal benefits. It appears, applicant had earlier, filed one O.A. No. 126/2004 challenging order dated 19.1.2004 and 26.6.2003. That O.A. was finally disposed of vide order dated 19.5.2006, with a direction to the respondents to place the matter for reconsideration of the board/committee in its next meeting and asking the respondent No. 3 to pass suitable orders, thereafter as




expeditiously as possible. The impugned order has been passed in compliance of the same directions.

2. What Shri Srivastava argues is that as per their own paper, Annexure (A-8), the case of the applicant was recommended and so the question of rejecting the claim of appointment on compassionate grounds could not have arisen. He says that, the endorsement appearing on the right side of the same sheet is not signed, so that could not be taken into consideration. According to this endorsement, all the cases were reviewed but could not be recommended for want of vacancies. Shri Srivastava says that according to the guidelines regulating such appointment, the claim for compassionate appointment could not be refused solely on the ground of terminal benefits or family pension.

3. A perusal of earlier order dated 19.5.2006, reveals that the respondents had come with a case that the case of the applicant was considered thrice on 4.7.2002, 8.1.2003 and 5.6.2003. It was in compliance of the directions of the Tribunal that the case has again been considered. It is true that claim for compassionate appointment should not be refused solely on the ground that widow or any other member is getting family pension or the family has received some terminal benefits. But it is difficult to say that the amount of family pension or the amount received in the shape of terminal benefits, cannot be taken into consideration, for deciding as to whether family is indigent. Shri Srivastava does not dispute the quantum of monthly family pension and the quantum of terminal benefits as are mentioned in the impugned order dated 20.7.2006.

4. I am of the view that in the circumstances when the family has received about 5 ½ lacs on terminal benefits and when widow is getting family pension @ Rs. 6787+DR, a month, it is difficult to say that refusal dated 20.7.2006, is unjustified. Had these amounts been nominal one, the matter would have been one for



arguments. So the Tribunal finds no good grounds for admitting the O.A., and it is accordingly dismissed as not admitted. No order as to costs.


(Khem Karan)
Vice Chairman.

v.