

**Central Administrative Tribunal Lucknow
Bench Lucknow**

Original Application No. 93 /2009

This, the 4th day of December, 2009.

Vijendra Singh aged about 23 years, son of Late Inder Singh, resident of Phagwant Nagar, Near Valmiki Ashram, Neel Matha, Lucknow.

Applicant

By Advocate Sri D. Awasthi.

Versus

1. Union of India, through Deputy Director General, Geological Survey of India, Northern Region, Sector-E, Aliganj, Lucknow.
2. Regional Administrative Officer, Geological Survey of India, Northern Region, Sector-E, Aliganj, Lucknow.

Respondents.

By Advocate Sri S. P. Singh.

Order

By Hon'ble Dr. A. K. Mishra, Member (A)

This application has been directed at the order dated 19.1.2009 of the Respondent No. 1 in which the claim of the applicant for compassionate appointment was rejected. The applicant makes a prayer for

4

- 2 -


quashing the impugned order and also for a direction to Respondent No. 1 to reconsider his application.

2. The father of the applicant died on 5.1.2007 while working as Driver Grade-I with Respondent No.2. Facing financial hardship due to sudden death of the bread-winner of the family, applicant's mother made an application on 16.5.2007 requesting for compassionate appointment of the applicant who had passed Junior High School Certificate Examination and belonged to SC category. The respondents sought for requisite documents in their letter dated 11.7.2007. These were supplied on the same date. But unfortunately, their application for compassionate appointment was rejected on 17.12.2007 forcing the applicant to file O.A. 129/2008 in which, the respondents were asked to reconsider his case. The respondent No. 1 again rejected his case vide impugned order which has been challenged in this O.A.

3. The grounds taken by the applicant are as follows:

(i) that though he was an eligible persons, and satisfied the eligibility criteria of the government, his case has been rejected only on the consideration that his mother received terminal benefits and monthly pension;

(ii) that though the family was in indigent condition in the absence of any earning member and because of the fact that most of the terminal



benefit was spent on payment of loans incurred at the time of the treatment of his deceased father his case was unfairly rejected;

(iii) that the case of the applicant was not considered as per government instructions and all the factors prescribed for the purpose were not taken into account.

4. The impugned order indicates that the compassionate appointment committee reconsidered the case of the applicant on 13.1.2009 and observed that the deceased employee left behind the widow and the only major son. Besides, the widow was getting family pension of Rs. 7378/- in addition to the retiral money of Rs. 3,82,214/-. It is stated that the committee took into account all aspects of the case as per the scheme formulated by the DOP&T in the office memorandum dated 9.10.1998 as amended on 5.5.2003.


5. The applicant placed before me the judgment of this Tribunal in O.A. 522/2006 in which, it was held that though the family pension and other benefits could be taken into consideration while assessing the comparative penurious condition of a family, but it should not be the sole criterion on which an application could be rejected. On the other hand, all other factors such as liabilities on the family, but absence of any other bread earner, size of the family, the ages of children, the educational need of minor children, the responsibility of looking after aged parent,



-4-

availability of a dependable and secure shelter and other relevant factors should be taken into consideration in assessing the comparative merits of the applicant along with others. From the impugned order, it is seen that the applicant's family consists of the widow and one adult male member (the applicant himself). The respondent authority has stated that all the factors in this regard have been considered before rejecting the case of the applicant. It is well settled that compassionate appointment is not a matter of right. It is a special dispensation which has been made by the government to help the family to tide over the condition of indigence to which a family is abruptly reduced due to sudden demise of the breadwinner. The Supreme Court in **State Bank of India Vs. Somvir Singh, 2007 (4) SCC 778** has held that the High Court (in this case the Tribunal) can interfere only when it is established that the decision making process was vitiated, or was not in conformity with the scheme framed for the purpose, not otherwise. It can not reassess whether the family was in penury and without any means of liability. It further clarified that penury did not mean mere financial hardship. From the facts and circumstances of the case, I do not find that there was any infirmity in the decision making process, or violation of the provisions of the scheme.

6. For the aforesaid reasons, I do not find any justification to entertain this application to ask



the respondent authorities again to reconsider the case..

7. In the result, the application is dismissed.

No costs..


(Dr. A.K. Mishra)
Member (A)

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