

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
O.A. No. 197/92

this the 61 day of ^{September} August, 1994.

HON. MR. D.C. VERMA, JUDICIAL MEMBER.

Smt. Sunder Devi widow of late Shri Munnalal, resident of Rajman Bazar, Lucknow Cantt.

Applicant

By Advocate Shri L.P. Shukla.

versus

Union of India through the Secretary, Ministry of Communication, Government of India, Dak Bhawan, New Delhi.

2. Senior Superintendent, Railway Mail Service, (RMS), 'O' Division, Lucknow.

Respondents.

By Advocate: Dr. Dinesh Chandra.

O R D E R

VERMA, MEMBER(J)

Smt. Sunder Devi, widow of late Shri Munnalal has filed this O.A. for compassionate appointment on the ground that her husband who was working on the post of S.G. Mail Jamadar, R.M.S. 'O' Division, Lucknow, died while in service on 1.9.1988. Munnalal was survived by the applicant i.e. widow and three children. The eldest son Ramesh is married and has separated from the applicant and her family and is not contributing anything by way of maintenance. Besides this, one minor son Rajendra Kumar and daughter K. Mamta are the other dependants. The

applicant has no othr source of income and is living in indigent circumstances. By an application dated 14.3.1990 the applicant requested for compassionate appointment but the same was rejected by opposite parties on 16.4.1990, hence this O.A.

2. The respondents have contested on the ground that the applicant is not indigent, as she is getting family pension of Rs 358 per month plus D.A. relief and her eldest son is already employed and getting Rs 1251/-^{per} month and living with the applicant. it has also been

~~pointed out that the applicant has received terminal benefits to the tune of Rs 67292/-~~

pointed out that the applicant has received terminal benefits to the tune of Rs 67292/- After considering all the circumstances, the department found that the case of the applicant for compassionate appointment was not covered by the relevant rules since the condition of family was not indigent, and rejected the representation.

3. The learned counsel for the applicant has submitted that husband of the applicant died in harness leaving widow, and children. Ramesh is employed and married and living separately without contributing anything towards maintenance of his mother and minor brother, sister. The pension amount is so meager that the applicant is unable to make both ends meet. The learned counsel has, therefore, urged that in view of Government instructions and guidelines the applicant is entitled for appointment on compassionate grounds and in case the applicant is not given appointment,

the second son Rajendra may be given appointment on compassionate ground.

4. The learned counsel for the respondents have urged that the family of deceased Munnalal are not living in indigent conditions and besides the family pension, a sufficient amount of rupees more than 67000/- was paid as terminal benefits. He has further stressed that the applicant's eldest son is living with the applicant and is employed in State Govt. department getting more than 1000/- as pay.

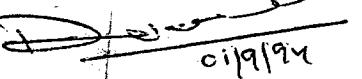
5. A perusal of file shows that the applicant has filed additional Rejoinder affidavit with Annexures 3 and 4 as copies of two Ration Cards. This has been filed to show that Ramesh is living separately. However, entry in the two cards shows that one card(Annexure-3) was in the name of Shri Ramesh Kumar son of Munnalal with five units, subsequently the second Ration Card (Annexure-4) was prepared in the name of Smt. Sunder Devi with three units and this has been done on 22.4.94 i.e. after filing of O.A. This is an indication to show that till April, 1994 the applicant alongwith Ramesh were living together and only for the purpose of having an evidence for making the claim in this case, the Ration Card has been separated.

6. The other material created as evidence is in paras 4.2, 4.3 and 4.11 of the O.A. A reading of these show that the applicant has three issues namely two sons Ramesh and

Rajendra and one minor daughter Km. Mamta. Contrary to this in ~~xxxa~~/^{para} 2 of the Rejoinder affidavit filed on 8.3.94 it has been stated that the applicant solemnized marriage ceremony of her elder daughter in July, 1989 and around Rs 20,000/- were spent for medical treatment of her second daughter whose Liver was severely damaged and operated. If the contents of para 2 of the Rejoinder Affidavit is accepted, the applicant has two daughters and ~~two~~ ^{two} sons. The fact is otherwise. This is also an indication to show that to explain the expenditure of terminal benefits fake evidence has been introduced in Rejoinder Affidavit to show that the applicant has four children, marriage of eldest daughter has been performed and younger daughter was operated upon with an expenditure of Rs 20,000/-, and that instead of joint, the applicant and eldest son have independent ration cards. It is unexpected of a mother to forget about the number of her children. She went to the extent of filing a false affidavit to secure appointment on compassionate ground. The learned counsel for the applicant stated that the applicant is entitled, as of right, appointment on compassionate ground as her husband expired while in service. I am unable to agree with this contention of the learned counsel for the applicant. Appointment on compassionate ground is not a vested right. It is purely on humanitarian considerations that the appointment is given on compassionate grounds ~~that~~ that family may not live in indigent

condition. Mere death of an employee in harness does not entitle his dependants to get job on compassionate grounds. Financial condition of the family is to be taken into account. The respondents while considering the representation of the applicant have considered the financial condition of the deceased family. It is admitted to the applicant that the department rejected the representation for compassionate appointment as they did not find the family living in indigent condition. Before parting with the case I may observe that creating false evidence to support a claim is not good. The applicant may be even prosecuted for filing fake affidavit in a judicial proceeding. I, however, restrain myself, as the applicant is a lady, otherwise she would be put to greater financial strains.

7. Considering the facts and circumstances of the present case, I find no ground in favour of the applicant. The O.A. is liable to be dismissed and is dismissed. The parties to bear their own costs.


01/9/94
MEMBER(J)

Lucknow: Dated 01.9.94