

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 286 of 1992

Smt. Gyanwati Awasthi . . . . . Applicant

Versus

Union of India & Others . . . . . Respondents

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

( By Hon'ble Mr. Justice U.C.Srivastava, VC)

The applicant a widow after approaching the department for giving a compassionate appointment in the place of her deceased husband who died as a result of train accident in the year 1977. After having failed to get the said appointment even though, the post Master General agreed to consider her case for compassionate ground, but her plea was rejected on the ground that the family is not in indigent circumstances, as such she can not get the said appointment. It appears that the applicant's father in law Mata Prasad Awasthi who is still alive and getting a sum of Rs. 400/- as a pension and owns a house in the Mohalla Thakur Ganj in the city of Lucknow. He was also a postman. The deceased husband of the applicant was appointed as a substitute of E.D. Packer One Dwarika Prasad E.D. Packer was working as a outsider on the departmental post at Husainabad Post Office, it is he who engaged the applicant's husband as substitute E.C. Packer on his own risk and responsibility w.e.f. 1.3.1972. Dwarika Prasad was promoted to group 'D' cadre on 20.6.74 and the applicant's husband continued to work as substitute upto 5.5.1977. He applied for leave from 6.5.1977 to 15.5.1977 and engaged one Sri Gopal Krishna Chaturvedi at his place, but the said Ashok Kumar Awasthi

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died on 12.5.1977 in a train accident at Ajgain Railway Station(Unnao), before death he had submitted a representation in 1976 for regular appointment, but before decision could be taken, he died and it appears that the decision was being taken in the matter in as much as he was required to furnish security which he did, but before any actual appointment order could be issued, he died leaving behind a young widow and a minor daughter who was a child in a lap. The applicant applied for appointment on compassionate ground and the post Master General accepted to consider the same, but later on her application was rejected on the ground that of course she was getting a pension of 100/- and her family is not in indigent circumstances in as much as her father in law was getting a pension and he had own a Pakka Double Story house valued at about Rs. 1,50,000/-. As such from the status of her father in law, the applicant can not be said to <sup>be</sup> a woman of indigent circumstances and consequently, her application was rejected.

2. When a compassionate appointment is given under the welfare scheme and the compassionate appointment can not be ~~equated~~ with regular appointment. Once a department agreed to consider the case of the applicant on compassionate ground. As a matter of fact, it is a compassion which should have been ~~fore most~~ ground for considering the case of the applicant. Although a decision was taken to consider her case on compassionate ground, but it is a compassion which was ~~relegated~~ to back ground and status of her father in law was taken into account. Although, her father in law has got no ~~other~~ son and no other daughter, but it is now known that in fact, the widow will inherit the property of her

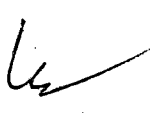
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father in law. Even if she inherits the property in future that was no ground for declaring that she was not in indigent circumstances, it was rather a fit case which should have been considered on merits. Accordingly, the order which has been so passed ~~has got no legs to stand~~ and which should be rejected and the same ~~does not~~ accelerate the welfare scheme for compassionate appointment and rather records it. Accordingly, the respondents are directed to consider the case of the applicant for compassionate <sup>appointment</sup> ~~giving~~ as far as possible and give her an appointment in the vicinity where she resides. With these observations, the application is disposed of finally. No order as to costs. Let it be done within a period of 3 months from the date of communication of this order.

  
Member (A)

  
Vice-Chairman

Lucknow Dated: 17.12.1992

(RKA)