

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. 65/2007

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This, the 26 day of August, 2009

Hon'ble Ms. Sadhna Srivastava, Member (Judicial)

Durgawati Devi aged about 47 years wife of late Mohan Lal Sharma resident of Bramhan Tola, Kharika, Telibagh, Lucknow.

Applicant

By Advocate: Sri Pawan Kumar Mishra for Sri A.R. Masoodi

VERSUS

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. Chief Engineer, Military Engineering Service, Lucknow Zone, Lucknow.
3. Commander Work Engineer, Military Engineering Service, Cantt, Lucknow.
4. Garrison Engineer (West) Military Engineering Service, 11, Sardar Patel Marg, Lucknow.

Respondents.

By Advocate : Sri K.K.Shukla for Dr. Neelam Shukla.

ORDER

By Hon'ble Ms.Sadhna Srivastava, Member (J)

The subject matter is compassionate appointment.

2. The facts are that the applicant's husband namely, Mohan Lal Sharma, died in harness on 20.5.97 leaving behind the applicant, one son and two daughters. After the death of her husband, the applicant made an application seeking appointment on compassionate ground. A Board of Officers considered her application and rejected the same by a reasoned and speaking order dated 7.6.2002 (Annexure No.1). The applicant's son challenged the said order by means of O.A. No. 478/2002. The said O.A. was dismissed on the ground that the impugned order related to the rejection of the application filed by Durgawati Devi (applicant) widow of the deceased employee. Therefore, the son of the deceased employee had no locus standi. Thereafter, the instant application was filed by the widow of deceased in the year 2007.

3. The respondents have filed reply alleging that the instant application has no merits. They have also pleaded that the application is liable to be rejected on the ground of delay and laches.

4. Heard the learned counsel for the parties and perused the record.


5. The object of compassionate appointments is to enable the penurious family of the deceased to tide over the sudden financial crises. In the instant case, the husband of the applicant died in 1995 i.e. about 14 years back. It is also relevant to mention that a limited quota is permitted



to provide such appointment. The committee entrusted with the task of screening applications has to take into account various factors such as family size, amount of terminal benefits, amount of family pension, liabilities left behind by the deceased, and the movable /immovable properties held by deceased at the time of death. Then the comparative merits of such candidates seeking such appointments have to be judged keeping in mind the various factors as mentioned above and also the number of vacancies available at the particular time. Such appointment cannot be offered as a matter of course. It is subject to various factors as discussed above.

6. I have carefully gone through the impugned order. It is a well discussed and reasoned order. It has been passed after taking into account relevant factors required to be considered for providing such an appointment. I am unable to find fault with the impugned order.

Resultantly, O. A. is dismissed without any order as to costs.


(Sadhna Srivastava)
Member (J)

HLS/-