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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT SITTINGS AT NAGPUR.

~~NEW BOMBAY BENCH~~

~~NEW BOMBAY BENCH~~

O.A. No. 621 of 1988
~~TXAXXNEX~~

DATE OF DECISION 16.1.1989

1. Smt. Sudha wd/o Madhukarrao Alti Petitioner
2. Pradip Madhukarrao Alti

Shri A.V. Bhide Advocate for the Petitioner(s)

Versus

The Director, Respondent
National Environmental Engineering Research & 2 Others

Shri A.R. Patil Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.B. Mujumdar, Member(J)

The Hon'ble Mr. P.S. Chaudhuri, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*



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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT SITTINGS AT NAGPUR.

Original Application No.621 of 1988

1. Smt. Sudha Wd/o Madhukarrao Alti,
R/o 36, Bank Colony, Bhagwan Nagar,
Nagpur-440 027
2. Pradeep S/o Madhukar Alti,
R/o 36, Bank Colony, Bhagwan
Nagar, Nagpur-440 027

.. Applicants.

V/s.

1. The Director,
National Environmental
Engineering Research
Institute, Nehru Marg,
Nagpur-440 020
2. Joint Secretary (Admn),
Council of Scientific
& Industrial Research
Anusandhan Bhavan,
Rafi Marg,
New Delhi-110 001.
3. Government of India,
Ministry of Personnel,
Public Grievances
and Pensions, Department
of Personnel and Training,
New Delhi.

.. Respondents.

Coram: Hon'ble Member(J), Shri M.B.Mujumdar
Hon'ble Member(A), Shri P.S.Chaudhuri

Appearance:

1. Shri A.V.Bhide
Advocate for the
applicants
2. Shri A.R.Patil,
Advocate
for the respondents.

ORAL JUDGMENT:-

Dated: 16.1.1989

(PER: Shri M.B.Mujumdar, Member(J))

Heard Shri A.V.Bhide, learned advocate for the
applicants and Shri A.R.Patil, learned advocate for the
respondents on the point of admission. One Shri Madhukar

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Alti who was working as Senior Assistant in the General Section of the National Environmental Engineering Research Institute (NEERI) at Nagpur died on 5.3.1984. He was about 49 years old at that time. He has left behind three sons-Ganesh aged about 20 years, Pradip aged about 19 years and Hemant aged about 14 years and widow Sudha. These were the ages when Madhukar died. Soon after Madhukar's death, Ganesh applied for giving him employment on compassionate ground. Under Secretary of the Council of Scientific and Industrial Research, New Delhi, conveyed approval of Director-General of the Council of Scientific and Industrial Research to the compassionate appointment of Shri Ganesh M. Alti, to the post of Store Keeper (Store & Purchase Assistant Gr.VII) in the scale of Rs. 260-430. However, Ganesh was not given appointment for a longer time. Hence the widow, Sudha, made four representations dated 3.4.1985, 14.5.1985, 27.5.1985 and 4.3.1987 for giving employment to her eldest son, Ganesh, on compassionate grounds. In the mean while the Union of the employees had made a representation against the appointment of Ganesh on compassionate ground. The authorities made further enquiries. The Deputy Manager, Personnel, of the Maharashtra Antibiotics and Pharmaceuticals Limited, by his letter dated 10.3.1986 informed the NEERI authorities that the Ganesh had joined them as S.S.C. Apprentice on 7.9.1981 and had subsequently been absorbed as Production Assistant Grade II on 8.3.1983. He was working in the scale of Rs. 255-405 and his total salary was Rs. 864.70. The letter further shows that

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Ganesh was a permanent employee in the organization. In view of this and other circumstances, NEERI authorities informed the widow, Sudha, that her request for appointment of her son Ganesh on compassionate ground had been reconsidered at higher level and her request was not acceded to.

2. On 12.2.1988 the widow Sudha made a representation to the Additional Director General of the Council of Scientific and Industrial Research stating that her son Ganesh had started living separately and hence her second son Shri Pradip be given appointment on compassionate ground. That request was rejected by letter dated 4/5.4.1988.


3. The applicants, i.e. the widow Sudha and her second son Pradip, have filed this application challenging the above letter and praying that the respondents be directed to give appointment to applicant No.2 on compassionate ground.

4. The scheme of giving appointment on compassionate ground to a son, daughter or nearer relative of deceased Government servant who dies in harness is evolved to see that the family does not suffer due to untimely death of the earning member. Generally the appointment is given when there is no other earning member in the family and when the family is in immediate need of assistance. In this case we are told that, after the death of her husband, Sudha received an amount of about Rs. 70,000/- including Rs.40,000/- towards Group Insurance Scheme and

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Rs.15,000/- towards Death-cum Retirement Gratuity. Of course some of the amount was adjusted towards loan which ^{the} deceased had taken for construction of a house. The widow is getting a family pension of Rs. 400/- per month. It cannot therefore be said that the family is in dire need of assistance. It may be noted that widow had never complained before the appointment of Ganesh was revoked that Ganesh was living separately from the family. Ganesh is getting a salary of Rs. 860/- per month. The scheme of giving appointment on compassionate ground is not meant for giving employment to a son or daughter of a deceased Government employee. It is meant for a specific purpose, namely, for helping the family of the deceased in distress. Considering all these facts and circumstances, we are of the view that the respondents were justified in rejecting appointment to Applicant No.2, Shri Pradip on compassionate ground. Pradip is studying in M.Com Part-II. Hence we reject this application summarily under Section 19(3) of the Administrative Tribunals Act, 1985, with no order as to costs.


(P.S. Chaudhuri)
Member(A)


(M.B. Mujumdar)
Member(J)