

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Coram: Hon'ble Mr.B.N.Bahadur - Member (A)

Dated on this the 24th day of January, 2002

O.A.146 of 2001

1. Smt.Leelamma Thomas
2. Miss Detty Thomas,
aged 25 years,
(Both applicants residing at
27/2, Ranakpur Darshan, Alandi Road,
Yerwada, Pune - 411 006.
(By Advocate Shri R.C.Ravalani) - Applicants

VERSUS

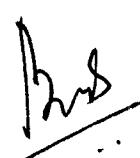
1. Union of India
through the Secretary,
Ministry of Defence,
South Block, New Delhi - 110 001.
2. The Chairman,
Ordnance Factory Board,
10-A, Saheed Khudiram Bose Road,
Calcutta - 700 001.
3. The General Manager,
High Explosive Factory,
Khadki, Pune 411 003.
(By Advocate Shri R.K.Shetty) - Respondents

ORAL ORDER

By Hon'ble Mr.B.N.Bahadur, Member (A) -

The applicants in this case come up to this Tribunal seeking relief of compassionate appointment for applicant no.2 Miss Detty Thomas.

2. The facts are in short compass, in that Shri A.T.Baby who was working as Chargeman Grade - I in High Explosive Factory, Khadki expired on 1.1.1999 while in service. The applicants state in their application at para 4.3 that the deceased government servant left behind the following family members:-



	<u>Name</u>	<u>Relation</u>	<u>Age</u>
(a)	Smt. Leelama Thomas	Widow	Adult
(b)	Shri Denny Thomas	Son	28 yrs
(c)	Miss Detty Thomas	Daughter	25 "

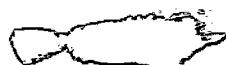
It is further stated that the family has no moveable or immovable property since they were living in Government quarters which they had to vacate. Even though they had received terminal benefits of the order of 6.3 lakhs, including GPF, they had spent it for defraying personal loans taken due to the illness of the deceased government servant. This is the main stand taken.

3. In fact the learned counsel for the applicants Shri Raviani explained all these points taking the main stand that, while he admits that the amount as mentioned in the written statement of the respondents was received, the same was used up for defraying loans taken due to the illness of Shri Baby which was a very genuine cause. He also mentioned that even though family pension is available, the financial condition of the widow cannot be termed as satisfactory. The learned counsel depends on the decision of the Central Administrative Tribunal, New Delhi in Rishalo and another Vs. Union of India & others, (1995) 30 ATC 351.

4. The respondents have filed detailed written statements where the main point made is that as indeed described in the impugned order the request was for compassionate appointment of

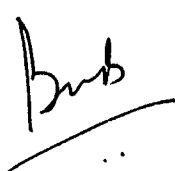


...3/-



applicant no.2, could not be considered in view of the fact that the family had received terminal benefits of the order of 6.3 lakhs and that the applicant no.1 is receiving a monthly pension to the tune of Rs.3538/- plus DA.

5. I have considered the facts of the case as brought out in the documents on record and have also considered the arguments made by learned counsel on behalf of both sides. Considering the facts of the case, and the law settled by the Hon'ble Apex Court in its various judgment, it is true, that the assessment of financial status has to be a very important point for determining the need for compassionate appointment. Here the amount of Rs.6.3 lakhs has admittedly been received by the applicants. True, some of it is the savings of GPF. Further, the applicant no.1 is getting pension to the tune of Rs.3538/- plus DA which according to the learned counsel for the respondents comes to Rs.4500/-. Even agreeing that the use of some sum of money or some sizeable sum of money for defraying loans, as described, it cannot be considered that the applicant is in dire financial straits. The age of the son and daughter at the time of the unfortunate demise of late government servant was 28 and 25 years respectively. It is also stated that the son and daughter are both educated and in fact are settled now. It is further stated that the daughter is married and the learned counsel for Respondents agrees that it is a fact. Be that as it may, the



....4/-

settled law is that compassionate appointment is to be provided in exceptional cases and where financial needs are indeed dire and where assistance by way of employment is indeed crucial to the needs of the family. bring up the family.

6. Upon consideration of all the facts of the case in totality, I am not persuaded to take a view that the decision taken by the respondents as per the impugned order dated 26.2.2000 is in any way unreasonable or arbitrary. In fact the decision taken is in consonance with settled law.

7. In the circumstances, no inference in the matter is called for and the OA is hereby dismissed without any order as to costs.

B.N.Bahadur

(B.N.Bahadur)..
Member (A)

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