

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 167/91

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Smt. Kasutri Shivshankar Shringiri,
and another. Pune

....

Applicants

Vs

Union of India
Through Secretary,
Ministry of Environment,
Indian Meteorology Deptt.
New Delhi.

....

Respondents.

Coram: Hon'ble Mr. M.Y.Priolkar, Member(A)

Hon'ble Mr. T.C.Reddy, Member(J)

Appearances:

Mr. Babu Marlapalle, Adv. & MR.S.P.Saxena Adv.
for the applicants

Mr.R.K.Sheety
for the respondents.

Dated: 10-9-91

Judgement

(Per: Hon'ble Mr. M.Y.Priolkar, Member(A))

This application has been filed by the widow
and 28 years old son of an employee of the ^{office of} Dy. Director
General of Meteorology, Maharashtra, Pune who died
at the age of 59½ years. The prayer in his application is
for directions to the respondents to consider the Applicant
No.2, namely, the son of the deceased for compassionate
appointment. Admittedly, the widow has been receiving
family pension of Rs. 505 plus D.A. relief of Rs. 258/- per month
and she had received a total sum of Rs. 87,974/- as death
benefits from the Government. The respondents have rejected
the application of applicant No.2 for compassionate
appointment, in view of the fact that based on the
family pension and total death benefits received ^{and} daughters
being married, they have come to the conclusion that the
family is not in need of immediate assistance and therefore
there is no case for compassionate appointment. It is not
disputed that compassionate appointment cannot be demanded as a

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matter of right. The competent authority has to satisfy himself before making such appointment that the family is in indigent circumstances and needs immediate assistance. After hearing the learned counsel of both sides, we are of the view that the decision of the competent authority in this case cannot be considered as arbitrary or unreasonable.

2. The learned counsel for the applicant argued that in two other cases which they have quoted in a separate Misc. Application, where families of the deceased employee had got even higher amounts by way of family pension and death benefits, members of that family were provided compassionate appointment. Evidently, the decisions in such cases are to be taken on the merits of each case. Respondents in their reply have given justification for the decisions taken in these cases. In the first case according to the respondents, the widow had two minor children, a daughter 17 years and son 12 years respectively, whereas in the present case there is only one ^{adult} ~~allegedly~~ son who is 27 years old. In the second case, the widow had a son and also a daughter aged 19 years who is mentally retarded. We do not therefore think that in view of the facts and circumstances of all these 3 cases, there has been any discrimination against the applicant in the present case. In any case, the matter of compassionate appointment is within the discretion of the competent authority and normally the Tribunal will not interfere in such decisions, unless they are considered to be arbitrary or unreasonable. As we have already stated, we are satisfied that the competent authority's decision in the present case it cannot be considered as arbitrary. The application is, accordingly,

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rejected at the admission stage itself with
no order as to costs.

T.C. Reddy
(T.C.Reddy)
Member(J)

M.Y. Priolkar
(M.Y.Priolkar)
Member(A)