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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 1083/93

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DATE OF DECISION 13.7.94

Smt. Kanta Wd/o. Deochand Rodge & one another Applicant(s)

Versus

Union of India & Ors. Respondent(s)

1. Whether it be referred to the Reporter or not ? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *no*

~~MEMBER~~


(M.S. Deshpande)
VICE CHAIRMAN

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

CAMP 3 NAGPUR

O.A. No. 1083/93

Smt. Kanta Wd/o Deochand Rodge
and one another

..Applicants

V/s.

Union of India & Ors.

..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.

APPEARANCE:


Mr. K.D. Deshpande
Counsel for the applicant

Mr. R.S. Sundaram
Counsel for the respondents

ORAL JUDGMENT: DATED: 13.7.94
(Per: M.S. Deshpande, Vice Chairman)

By this application the applicants, who are the widow and eldest son respectively of deceased Deochand Rodge, seek compassionate appointment for the applicant No.2 Arvind D. Rodge.

2. Deochand Rodge who was an employee with the respondents met with his death during the night shift on 2.2.1993 while on duty leaving behind the ^{him} surviving family comprising of four members, viz., his wife and three sons aged 23, 19 and 16 years respectively. The deceased was 47 years old at the time of his death and had about 13 years of service. An application was made for securing compassionate appointment for Arvind Deochand Rodge who was one of the two major sons on 4.3.1993. That application was rejected on 21.5.93 and the applicants are therefore approaching this Tribunal.



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3. By the reply the respondents contend that the terminal benefits amounting to Rs. 84,484/- was paid to the applicant no.1 and she also receives a monthly pension of Rs.1050/- and the family owns a house and 1.5 acres of cultivable agricultural land. The learned counsel for the respondents urged that all the circumstances were taken into consideration by the respondents while rejecting the applicant's application for compassionate appointment.

4. It is apparent that every Government servant who dies in the course of his employment the family would receive terminal benefits and the members of his family would also receive family pension. That cannot be sole criterion for denying the benefit of the scheme for compassionate appointment. In the instructions which were issued by the Ministry of Defence by the letter dated 20.7.87 it has been made clear that the scheme is applicable to a son or daughter of Government servant who dies in harness leaving his family in the immediate need of assistance when there is no earning member in the family. A selective approach has to be made in terms of para 9 of the scheme and the other resources of the family had to be kept in view. According to the respondents, the applicant owns a house and has 1.5 acres of cultivable agricultural land. The applicants have, however, produced a certificate issued by the Talati dated 11.2.1993 which gives the names of the family members of the deceased employee and also a certificate dated 31.8.93 to the effect that after the death of Deochand Rodge the family has no source of income on the basis of the record maintained. It is, therefore, clear

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that the respondents contention that the applicant is in possession of cultivable land cannot be accepted. Shri Sundaram, learned counsel for the respondents, urged that an independent inquiry ^{was made} by the agencies of the respondents and it was found that the 2nd applicant works as a labourer while the others are non-earning members. It is obvious that the family though in receipt of retiral benefits cannot be said to be well placed and since there is no other member of the family who is employed and can lend assistance to the other members of the family, this is a fit case for giving compassionate appointment to the second applicant.

5. The application is allowed. The respondents are directed to give a compassionate appointment to the 2nd applicant within three months from the date of communication of this order.


(M.S. Deshpande)
Vice Chairman