

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL



HYDERABAD BENCH : AT HYDERABAD

DA 891/93.

Dt. of Order:18-3-94.

Between :-

V.H.Nagesh Kumar

....Applicant

And

1. The Director,  
National Geophysical Research Institute,  
Uppal Road, Hyderabad-7.

....Respondents

Counsel for the Applicant : Shri A.Prabhakara Sarma

Counsel for the Respondents : Shri C.B.Desai, SC for CSIR

CORAM:

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

....2.

and for performing the marriage of the daughter and to look after the eldest son of the deceased employee that the family has to meet certain expenditure and in these circumstances it has to be inferred that the family is in indigent circumstances. The daughter admittedly has passed M.Sc., Examination. According to the respondents she is working as part-time lecturer. According to the applicant she had worked only for a short time and consequently her services had been terminated and she is now unemployed. But whatever it is, as daughter is highly qualified, she should be in a position to maintain herself. Besides this, the daughter after marriage ceases to be a member of the family. So as for the applicant herein is concerned he can work, earn and maintain himself. No doubt he is unemployed but he can seek employment elsewhere. So far the first son is concerned, even taking for grant, that he is mentally sick and had been injured recently in a motor cycle accident, he can be maintained by the mother. The fact that the mother of the applicant is getting family pension of Rs. 1,870/- is not in dispute. After certain deducting the family had been paid more than Rs. 1,50,000/-. The said sum of Rs. 1,50,000/- if <sup>fixed deposit</sup> invested in long term in any Bank the same would fetch interest not less than Rs. 1,500/- per month. Thus as seen the income of the family would be Rs. 3,500/- per month. So as the income of the family will be a sum of Rs. 3,500/- per month, it is very difficult to say that the said family is in indigent circumstances. So in view of the

approached this Tribunal for the relief as indicated above.

4. Counter is filed by the respondents opposing this DA. In the counter of the respondents it is maintained that the mother of the applicant was paid a sum of Rs. 1,81,918/- as benefits towards GPF, Group Insurance, Encashment of leave, Gratuity etc., and besides that, the mother of the applicant is receiving a family pension of Rs. 1870/- per month and in view of these facts and circumstances that the family is not in indigent circumstances, and so the DA is liable to be dismissed.

5. We have heard today Mr. M. Prabhakara Sarma counsel for the applicant and Mr. Chenna Basappa Desai standing counsel for the respondents.

6. It is only in a case where the family is in indigent circumstances that an appointment on compassionate grounds <sup>to be</sup> is provided. The family should be in such circumstances if ~~that~~ assistance in the form of compassionate appointment is not provided to one of the members of the family, that the family will not be able to survive. Now the question that has got to be considered is, whether the family is placed in such indigent circumstances requiring an appointment on compassionate grounds? It is the contention of the learned counsel for the applicant that the daughter of the deceased Namassiveya is yet to be married and that the elder son of the deceased employee ~~as he~~ is mentally sick and physically

To

1. The Director,  
National Geophysical Research Institute,  
Uppal Road, Hyderabad-7.
2. One copy to Mr.A.Prabhakara Sarma, Advocate, 2-2-647/109  
Central Excise Colony, New Nallakunta, Hyd.
3. One copy to Mr.Chenna Basappa Desai, SC for CSIR, CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

pvm

Case Number..... 05891/99

Date of Judgement..... 18/3/94

Copy made ready on 29/3/94

Section Officer (I)

facts and circumstances of the case it is difficult to hold that the family is in indigent circumstances. So we are not inclined to accept the contention of the applicant that a compassionate appointment has to be provided to him. It is the contention of Mr. A. Prabhakara Sarma counsel for the applicant that one Smt. Zakira Begum had been appointed on compassionate grounds on 30th September 1993, and so, that this is also a fit case for the respondents to provide an appointment on compassionate grounds. Mr. C.B. Desai submits for the first time that the applicant during the course of arguments has brought into picture the name of Zakira Begum. Even taking it for granted that the said Zakira Begum had been provided appointment on compassionate grounds, it is upto the applicant to prove before this Tribunal the indigent circumstances in which the family is placed. As already pointed out we do not see the family of the applicant herein being in indigent circumstances. It is quite possible that the family of the said Zakira Begum was in indigent circumstances and the respondents provided an appointment her on compassionate grounds. It is not open for the applicant to compare himself with the Zakira Begum in seeking appointment on compassionate grounds. Each case has got to be decided on its own merits. We are satisfied that this is not a fit matter for providing appointment on compassionate grounds. Hence the OA is liable to be dismissed and is accordingly dismissed. Parties shall bear their own costs.

CERTIFIED TO BE TRUE COPY

Date.....

Court Officer  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad

28/3/94