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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.148/93

Date of Order: 17.8.1993

BETWEEN:

G.Narasinga Rao

.. Applicant.

A N D

1. Secretary, Ministry of Defence,
Government of India, R&D Organisation,
New Delhi.

2. Director (D.L.R.L.) Defence
Electronics Research Laboratory,
Chandrayanagutta, Hyderabad -5.

.. Respondents.

Counsel for the Applicant

.. Ms.J.Vijayalakshmi
for
Mr.S.Lakshma Reddy

Counsel for the Respondents

.. Mr.N.V.Raghava Redd

CORAM:

HON'BLE SHRI A.B.GORTHY : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The applicant herein is the second son of late Sri G.Narasimha Swamy who died in harness on 4.3.1981 while he was employed as Traceman 'C' in the Defence Electronics Research Laboratory, Hyderabad. The deceased employee left behind his widow and two sons. The 1st son got employment but he is living separately and is not maintaining the rest of the members of the family. In these circumstances the widow and the applicant requested the authorities concerned for compassionate appointment to the applicant. The respondents rejected the request for compassionate appointment. The contention of the applicant is that the respondents are not justified in rejecting his request merely on the ground that the 1st son of the deceased employee has got employment and ~~he~~ is an earning member.

2. The respondents in their reply affidavit have stated that the case of the applicant was duly considered but was rejected on merits. According to the respondents the elder son of the deceased employee is working in M/s Hindustan Machine Tools Limited, Hyderabad and is drawing the gross salary of Rs.2,360/-. However, the family of the deceased Government servant has also got the following terminal benefits:-

| | | | | |
|------------------------------|-----|-------------|-------------|---|
| (a) Family Pension | - | Rs. | 515.00 p.m. | ✓ |
| (b) Relief on family pension | - | Rs. | 427.45 p.m. | ✓ |
| ----- | | | | |
| total | Rs. | 942.45 p.m. | | ✓ |
| ----- | | | | |

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In addition to the monetary income the family got the following lumpsum emoluments:-

| | | |
|-------------------------|---|---------------|
| (a) Gratuity | - | Rs. 26,780.00 |
| (b) GPF Balance | - | Rs. 2,096.00 |
| (c) C.G.E.G.I.S. | - | Rs. 21,852.00 |
| (d) Encashment of leave | - | Rs. 1,196.00 |

3. In view of the afore mentioned details the respondents contended that it cannot be stated that the family of the applicant in such poor financial state that it needs immediate intervention. The respondents further denied that the case of the applicant was rejected solely on the ground that the elder son is already in employment. In other words the contention of the respondents is that the competent authority is satisfied that the family of the applicant is not in ~~an~~ indigent circumstances as would justify the applicant's claim for compassionate appointment.

4. We have heard learned counsel for both the parties. Ms. Vijayalekshmi, learned counsel for the applicant has drawn our attention to the judgement of the Rajasthan High Court in the case of Prakash Chand Jain Vs. State of Rajasthan 1992 (5) SLR 680. It was held therein that the Rajasthan Recruitment of Dependents of Government Servants Rules, 1975 do not provide any ^{where} ~~that~~ that if one member of the family is already in employment under the Central/State Government or Statutory Board/Organisations/Corporations, the other ^{be} member of the family will not ~~be~~ entitled to appointment on compassionate grounds under the said rules.

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5. There can be no dispute about the fact that a request for compassionate appointment cannot be turned-out merely on the ground that one of the family members is already in employment. In fact the respondents in this case clarified that the applicant's case was not rejected on that ground itself. What is essential in the consideration of a request for compassionate appointment is the over all financial status of the family and not any such single factor as the fact that one of the family members is already in employment.

6. Learned counsel for the applicant has also drawn our attention to the case ^{of} Smt. Phoolwati Vs Union of India AIR 1991 SC 469. In that case Smt. Phoolwati received CGE Insurance amount of Rs.10,926/- and GPF amount of Rs.1717/- besides a monthly family pension of Rs.390/-. The Supreme Court held that keeping in view her financial situation she deserved to be given compassionate appointment and in that context referred to the under mentioned passage from the judgement in Smt. Sushma Gosain Vs. Union of India, AIR 1989 SC 1976

"It can be stated unequivocally that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for years. If there is no suitable post for appointment supernumerary post should be created to accomodate the applicant."

7. This Bench of the Tribunal in M.K. Purna Chanderk Rao Vs. Union of India (O.A.545/92) followed the afore-said judgements of the Supreme Court and allowed the O.A. In

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Copy to:-

1. Secretary, Ministry of Defence, Government of India, R&D Organisation, New Delhi.
2. Director(D.A.R.L.) Defence Research Electronics Research Laboratory, Chandrayanagutta, Hyderabad-5.
3. One copy to Sri. S.Lakshma Reddy, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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that case the widow of the employee was receiving Rs. 900/- plus relief 71% per month in addition to a lumpsum amount of Rs. 82,000/- as terminal benefits. However, in that case we find that the widow ^{had} the burdensome responsibility of getting her second daughter married which she could undertake by raising private loans from near relatives. Consequently it can be said that in that case the Tribunal was satisfied that the financial status of the applicant's family was such that the applicant deserved compassionate appointment.

8. As already noted, the deceased left behind his widow and 2 sons, one of whom is independent having his own income. It is only the widow who ^{be} ^{-ed} requires to/maintain/by the applicant. As the widow is in receipt of the monthly pension of Rs. 942.45/- besides ⁱⁿ being/receipt of the other lumpsum amounts, we are not satisfied that ^{the} family is in such indigent circumstances as would justify immediate compassionate appointment of the applicant. More over it is seen that the respondents did consider the case of the applicant on merits and came to the conclusion that he did not deserve appointment on compassionate grounds. In view of this it cannot be said that the respondents acted either arbitrarily or unfairly in rejecting the request of the applicant.

In the result the OA is dismissed. There shall be no order as to costs.

(T. CHANDRAKHARA REDDY)
Member (Judl.)

(A. B. GORTHY)
Member (Admn.)

Dated: 17th August, 1993

(Dated in Open Court)

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By Registrar

contd.

O.A. 148/93

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTY : MEMBER (AD)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated : 17/8-1993

ORDER/JUDGMENT:

M.A. / R.A. / C.A. No.

O.A. No.

in
148/93

T.A. No.

(w.p.)

Admitted and Interim directions
issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/ Ordered

No order as to costs.

Central Administrative Tribunal
DESPATCH
30 AUG 1993
HYDERABAD BENCH.

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