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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

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ORIGINAL APPLICATION NO. 77/94

DATE OF JUDGEMENT: 28-2-94

Between

Smt K. Padmavathi

and  
The Collector  
Central Excise & Customs  
LB Stadium Road, Basheerbagh  
HYDERABAD

.. Respondents

Counsel for the Applicant :: Mr E. Nageswara Rao  
Counsel for the Respondents :: Mr NV Ramana

CORAM:

HON'BLE SHRI A.B. GORTHI, MEMBER (ADMN)

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

JUDGEMENT

[As per Hon'ble Shri T. Chandrasekhara Reddy, Member (J)]

This is an application filed under Section 19 of the Central Administrative Tribunals Act, to direct the respondent to provide a suitable employment to the applicant's son by name AR Sudhakar and pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. Facts giving rise to this OA in brief are as follows:

3. The husband of the applicant is one Sri A. Raghavendrachari. The said Sri Raghavendrachari

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died on 29.05.1985 while he was in service, By the time of his death, the said Raghavendrachari had put in more than 30 years of service. He died due to Cerebral Hammoerrage leaving behind the applicant herein and five sons.

4. The first son of the applicant, an employee in P&T Department is married and staying separately with his family in Karnataka State. The second son is employed in a Private firm and staying with his family separately. Her (the applicant's) third son is working in a Nationalised Bank in Karnataka. Her (the applicant's) fourth son is also employed in a Private Firm and staying with his family separately. The applicant's fifth son who is the youngest is un-employed and has passed his intermediate examination. He has passed Higher Grade Typewriting. The applicant is aged 55 years and she is totally blind. She is very much in requirement of assistance of her last son Mr AR Sudhakar. It is the case of the applicant that she had put in a representation to the respondent requesting the respondents to provide an appointment in the respondents' organisation to her fifth son Sri A.R.Sudhakar on compassionate grounds. But the respondent had rejected the representation vide letter dated 17.7.1990. According to the applicant, the action of the respondent in rejecting her representation for compassionate appointment of her fifth son Mr AR Sudhakar is arbitrary. So, the present OA is filed by the applicant for the relief as already indicated above.

5. We have heard Mr K. Nageswara Rao, counsel for the applicant, and Mr NV Ramana, Standing Counsel for the respondents at the admission stage.

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6. The entire file relating to the compassionate appointment of the applicant's son is placed before us by the respondents. We have gone through the said file. From the file, it is quite evident that the applicant's family owns a house at Tirupathi worth Rs.25,000/-. The applicant ~~is getting~~ was authorised a family pension of Rs.225/- p.m. upto 10.8.92 and Rs.126/- thereafter in the ~~-----~~ the applicant was paid DCRG Rs. Rs.29,510-25ps, GPF balance Rs.10,728 and CGEIS Rs.20,000/-. So, as could be seen the applicant has been paid around Rs.60,000/- towards death benefits of her husband. The applicant should be getting family pension not less than Rs.350/- p.m. Besides the applicant's family <sup>as directed by court</sup> own a house at Tirupathi. It is also not in dispute that out of the five sons four sons are well placed and ~~are employed~~.

7. The concept of compassionate appointment is largely related to the need for ~~in~~ providing immediate assistance to the family of the deceased Government servant who dies while in service leaving behind his family in indigent circumstances requiring immediate means of subsistence. Before making such appointments, the competent authority has to satisfy itself that the grant of this concession is justified having regard to the number of dependents left by the deceased Government servant, his assets and liabilities and income of the family members, etc., If there are earning members in the family, they should be a <sup>Source of</sup> support of ~~source~~ to the other members of the family. Normally

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if there is an earning member in the family or a family has sufficient resource and means of subsistence, the son/daughter/near relative of the deceased government servant are not eligible for employment assistance. With regard to the case on hand, as already pointed out, out of the five sons four of them are employed and are well placed in life. So, the four sons who are employed, should be in a position to support the applicant and look after her. As a matter of fact, under Hindu Law, there is not only a moral obligation on the part of a son to maintain aged parents, but also, a legal obligation. The Government is not obliged to provide compassionate appointment to the dependents of the deceased Government servant, if there are earning Members in the family and they are discharging their primary duty of looking after the needy dependents. In view of the facts and circumstances of the case, it cannot be said that the applicant's family is in such indigent and distress circumstances that the family will not be able to get on without the assistance of an appointment on compassionate grounds. In view of the fact that the applicant's four sons are employed and the assets which the applicant became entitled after the death of her husband, it is rather difficult to say that the family of the applicant is in indigent and distress circumstances. So, an appointment to the applicant's fifth son Mr. A.R. Sudhakar on compassionate grounds in the respondent's organisation does not have any justification.

8. The perusal of the file indicates that the families who were unable to support themselves due to the death of the

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Government servant who was the bread-winner and who were really in indigent circumstances had been preferred to the applicant<sup>in</sup> the matter of compassionate appointment. The action<sup>of</sup> the respondents, in the circumstances of the case, in not providing appointment to the applicant's son on compassionate ground is certainly valid. The competent authority had rightly come to the opinion that the applicant's son is not a fit person to be provided appointment on compassionate grounds. In view of the position, the family of the applicant is placed. The competent authority has come to such an opinion on valid grounds. So, it is not open for the ~~xx~~ Tribunal to substitute <sup>its</sup> ~~our~~ opinion ~~ix~~ for the opinion of the competent authority in rejecting the claim of the applicant for compassionate appointment to her son.

9. The learned counsel for the applicant relied on a decision reported in AIR 1991 SC 469 Smt Poolwati Appellant Vs Union of India and others Respondents wherein a reference to AIR 1989 SC 1976 Sushma Gosain Vs Union of India is made and wherein it is held as follows:


"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 accommodate the applicant"

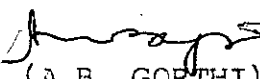
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*T. C. M.*

So, as seen from the said Judgement, the purpose of providing appointment on compassionate grounds is to mitigate the hardship due to the death of the bread-earner in the family. As already pointed out, we do not find such a hardship in the case of the applicant's family as to provide an appointment on compassionate grounds. So, the said decision is not applicable to the facts of this case.

10. The learned counsel for the applicant, relied on an another decision reported in SLJ 1990(3) CAT Page 403 Smt Roshana Begum Vs Union of India, wherein, it is held that members of the family being employed does not disentitle the other members of the family from claiming appointment on compassionate grounds. We have gone through the said decision. The said decision is with regard to the Muslim Family where there is no concept of a joint family. Under Muslim Law, unlike under Hindu Law there is no legal obligation on the part of the sons to maintain their old parents. But the case on hand, as already pointed out, is different and all the four sons of the applicant herein who are employed have got legal obligation to maintain the applicant if the applicant is unable to maintain herself in spite of her pension and the assets she inherited from her husband. In view of the facts and circumstances of the case, absolutely we see no merits in this OA and hence this OA is liable to be rejected and is accordingly rejected under the Provisions of 19(3) of the Administrative Tribunals Act. No costs.

  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

  
(A.B. GORTHI)  
Member (Admn)

Dated: 20-2-1994

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE R. JUSTICE V. NEELADRI RAO  
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. B. GORTHU : MEMBER (A)

AND

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

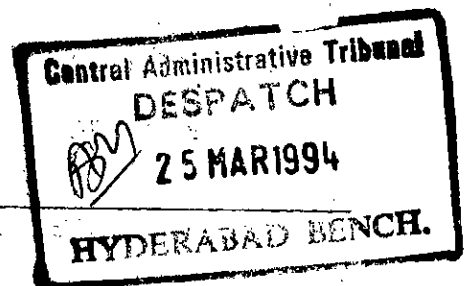
AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER  
(ADMN)

Dated: 28-2-1994.

~~ORDER/JUDGMENT:~~

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



in

O.A.No.

77/94

T.A.No.

(W.P.No. )

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

no order

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