

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 505/94.

Dt. of Decision : 20.7.94.

Smt. P.C. Prameela

.. Applicant.

Vs

1. Scientific Adviser to Raksha Mantri,
of Defence, Govt. of India, D-wing,
Sena Bhavan, New Delhi-110 011.
2. Director, Defence Electronics
Research Laboratory,
Ministry of Defence,
R&D Organisation, Chandrayanagutta,
Hyderabad - 500 005. .. Respondents.

Counsel for the Applicant : Mr. S. Lakshma Reddy

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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25/7/94
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O.A.No.505/94.

Date of Judgement : 20.7.94.

J u d g e m e n t

X As per Hon'ble Shri A.V.Haridasan, Member(J) X

The Applicant is the widow of late Shri Chalama Reddy, who, while working as J.S.O. under the Respondents, died on 25.4.92 leaving behind, apart from the Applicant, three sons who were studying in college/school. The family received the terminal benefits of Rs.2,05,280/- and is in receipt of a family pension of Rs.2,344/- P.M. The family also owns a residential house to live in. On account of the demise of Shri Chalama Reddy, the Applicant made a representation seeking compassionate appointment for her eldest son. This representation was considered by the competent authority and the Applicant was informed by the Respondents on 4.2.94 that taking into account the fact that an amount of Rs.2,344/- is being received by the family as family pension every month and that a sum of Rs.2,05,280 has been received as the terminal benefits, apart from owning a residential house to live in, the condition of the family cannot be considered to be indigent and, therefore, the request for compassionate appointment could not be acceded to. Not satisfied with this reply, the Applicant submitted another representation on 14.2.94 to the 1st Respondent. This representation was disposed of by an order dt. 21.3.94 informing her that on a reconsideration of the matter it was felt that it is not feasible to accede to her request for compassionate appointment. It is under

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these circumstances the Applicant has filed this application seeking to quash these two orders and for a direction to the Respondents to appoint the Applicant's son to any suitable post on compassionate grounds.

2. The Respondents resist the application. They contend that the family has received a fairly large sum as terminal benefits, apart from being in receipt of a monthly pension of Rs.2,344/-, that there was no liability, that the family has got own residential house to live in, and that therefore as the condition of the family could not be considered to be indigent there is no justification for extending employment assistance to the Applicant's son on compassionate grounds.

3. Having gone through the pleadings and documents and having heard the learned counsel for both the parties at considerable length we are satisfied that the decision of the competent authority in not acceding to the request of the Applicant for employment assistance to her son

Reddy, learned counsel for the Applicant invited our attention to a clarification issued by the Govt. of India, Ministry of Personnel, Public Grievances & Pension on 28.9.92 wherein certain guidelines have been issued as to how the indigent circumstances of the family have to be determined and submitted that these aspects have not been taken into account by the competent authority while considering the case. He also invited our attention to the fact that there is no earning member in the family and that the requirements of the family have not been taken into account. The learned counsel for the Applicant

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Copy to:-

1. Secretary to Defence, Ministry of Defence, Scientific Adviser to Raksha Mantri, Govt. of India, D-Wing, Sena Bhawan, New Delhi-011.
2. Director, Defence Electronics Research Laboratory, Ministry of Defence, R & D Organisation, Chandrayana-gutta, Hyderabad-005.
3. One copy to Sri. S. Lakshma Reddy, advocate, CAT, Hyd.
4. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rem/-

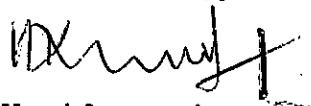
*Shreeya
Pre-29th July.*

argued that since the education of the children nowadays is a very expensive affair a more realistic view should have been taken by the authorities concerned and if this was done the competent authority would have been satisfied that the case was a fit one for grant of employment assistance on compassionate grounds. We are not able to agree with the arguments advanced by the learned counsel for the Applicant. It is true that in these days of ~~inflation~~ Rupees Two thousand monthly cannot be considered very high to enable the family to live in the same style as it was living prior to the death of its head. The scheme for giving employment assistance was evolved not with a view to enable the family to live in the same style, but to save it from extreme poverty. In such cases what is to be looked into is whether on account of the unexpected death of the bread-winner of the family, the family has been driven to destitution and extreme poverty or whether the family can ^{get} ~~get~~ on even without the assistance of the Government. Viewed in this respect, we are convinced that the terminal benefits received by the family and the family pension that is being received every month should, in the normal course, be reasonably sufficient for a family of the size of which the petitioner has, to get on. Therefore, it cannot be said that the competent authority has not taken into account the relevant facts in deciding the request of the Applicant for compassionate appointment of her son.

4. In the light of what is stated above, we find no justification to interfere in the matter or to give any direction to the Respondents. The application thus fails and the same is dismissed without any order as to costs.


(A.B.Gorshi)
Member (A).

U.M.P.
P.M.


(A.V.Haridasan)
Member (A).

Arvind
Dated: 20th July, 1994.
Dictated in Open Court.
Dy. Registrar (3)
Contra S.

br.

O.A.5054

Typed by

Compared by

Checked by

Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN: MEMBER(J)

AND

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

Dated: 26/7/94

ORDER/JUDGMENT.

M.R./R.C.P.NO.

O.A.NO.

5054.

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Dismissed of with directions.

Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

26/7/94 (5)

