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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT
HYDERABAD.

O.A.NO.1535 of 1995.

Between

Dated: 17.4.1996.

Smt, Theresa

... Applicant

And

1. The Scientific Advisor to the Ministry of Defence, The Director General Research & Development B Wing, Sena Bhavan, DHQ PO, New Delhi.
2. Director, Ministry of Defence, R&D Organisation, DLRL Chandrayanagutta, Hyderabad.

... Respondents

Counsel for the Applicant : Ms. G.Babita Rayudu

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

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

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O.A.1535/95.

Dt. of Decision : 17-04-96.

ORDER

X As per Hon'ble Shri R. Rangarajan, Member (Admn.) X

The applicant in this OA is wife of the deceased Shri P.J.Abraham, ^{who} was working as Sr. Store Keeper in DLRL and died on 09-11-1989. He left behind him his widow, his parents and two major sons.

2. On his death, his wife received an amount of Rs.79,075/- as terminal benefits and an amount of Rs.6,805/- was deducted from that amount against the loan taken from the co-operative credit society by the deceased employee. It is stated by her that further amount of Rs. 20,000/- was repaid towards the amount borrowed from the relatives to meet the expenditure in connection with the medical treatment of the deceased employee. Thus she submits that out of that amount of Rs.79,075/- received by her as a terminal benefits, only an amount of Rs.36,270/- is left behind as terminal benefits after the expenditure. It is also submitted by her that her late husband had taken an amount of Rs.60,000/- as House Building Advance of which only Rs.11,808/- was recovered from his salary. The remaining amount is deducted from her salary at the rate of Rs.416/- per month as she is also working as UDC in that organisation. From the house building advance taken by the deceased employee a house consisting of Single Bed Room, Kitchen and a Hall of total area of 900 Sq. Yards was constructed by the deceased employee.

3. The applicant submitted a representation for appointing her second son against the compassionate ground quota as she did not like to disturb her first son as he is pursuing his study. The second son it is stated had completed intermediate studies and appeared for first year B.Com., examination. As she has to

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maintain a big family consisting of her inlaws and two major sons, She requested the authorities concerned to give compassionate ground appointment to her second son. The representation addressed to the Director General Research & Development is enclosed at Annexure-IV at page-11. She was informed by letter No.DLRL/DCMS/413525/PJA dated 28-02-95 that her case for compassionate ground appointment to her second son is not covered by the rule and hence it ~~is~~ was rejected.

4. Aggrieved by the above, she filed this OA praying for a direction to the respondents to appoint her second son in the respondents organisation on compassionate ground in any suitable posts.

5. The main ground as revealed in the reply for rejection of her request for appointment is that the family is not placed in indigent circumstances. She received an amount of Rs.79,075/- as terminal benefits and she is also working as UDC and she is in receipt of Gross amount of Rs.5,123/- as salary per mensem in addition to the family pension i.e., Rs.765/- per month and she has a house. It is stated by the applicant representation that her house is in backward area whereas the respondents submit in the reply that the location of the house is not in backward area. This point is not controverted by the applicant by filing rejoinder. The respondents further relied on the Min. of Home Affairs/Dept. of Personnel and AR OM No.14014/1/77-Estt(D) dated 25-11-1978 to contend that the applicant's request was rejected as she does not fulfil the conditions laid therein. They further submit that the applicant is employed, she has a house and both her sons are grown up and hence she is not in indigent circumstances warranting compassionate ground appointment to her second son. The compassionate ground appointment is not to be granted as a matter of course

irrespective of the financial conditions of the family of the deceased as held by the Supreme Court reported in JT 1994 (3) S.C. 525 (Shri Umesh Kumar Nagpal Vs. State of Haryana & Ors).

6. Heard Shri V. Rajeswara Rao for Mr. N.V. Ramana, learned counsel for the respondents. None for the applicant.

7. I have perused the materials available on record. From the available record it is seen that the applicant is a UDC and she is also getting family pension. She has a house^{of} her own. The quantum of the left out amount of the terminal benefits, received by her, cannot be a reason for granting compassionate ground appointment to her second son. She had received Rs. 79,075/- as a terminal benefits. She has no daughter and her both sons are major and are eligible for getting employment elsewhere also. She need not depend only on the department for getting employment to her second son. The applicant herself was working alongwith her husband for a long time and that itself would have given her sufficient financial status for maintaining her family. The compassionate ground appointment is meant for providing succor to the family in indigent circumstances. From the financial position as submitted by her and by the respondents no one can reasonably come to the conclusion that the family is in indigent circumstances warranting compassionate ground appointment. Further compassionate ground appointment is not a scheme for employment generation but a scheme meeting immediate financial difficulties of the family which lose its bread winner. In the present case the applicant is not in a indigent distress circumstances as pointed out by her and the fact that she is also employed is very relevant to be noted to assess the financial status of the family.

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8. The Hon'ble Supreme Court held in Umesh Kumar Nagpal's case that "the only ground which justified compassionate employment is the penurious conditions of the family of the deceased..... Object of compassionate employment is to enable the family to get over the financial crisis which it faces at the time of the death of the sole bread winner."

9. ^{Hon'ble} In the above referred judgements the Supreme Court held as follows:-

"The whole object of granting compassionate employment is to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency".

From the above it is evident that the compassionate ground appointment is to be given only to the families which are in indigent circumstances to help such families to recover from the emergency due to the death of the bread winner. On financial ground the applicant herein cannot succeed in getting compassionate ground appointment to her son.

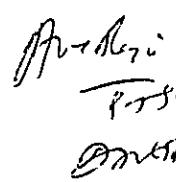
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10. The applicant relies on the case of one Sri Venkateswara Rao whose dependent was given compassionate ground appointment and submits that the case of Sri Venkateswara Rao is better than her case as far as financial status is concerned and since dependent of Sri Venkateswara Rao was given compassionate ground appointment she is also entitled to get compassionate ground appointment to her second son. Further she states that if her request is denied it is a case of discrimination against her. Compassionate ground appointment had to be decided on merits of each case and there can be no comparison between two cases. It is for the respondents to satisfy themselves that the compassionate ground appointment is needed in a particular case. Further from the reply given by the Director to her vide letter No.DLRL/ DOMS/413525/PJA dated 28-03-95 (Annexure-VI page-15) it is seen that the case of Sri Venkateswara Rao is not similar to the case of the applicant because of the fact that the applicant herself is an employee in the grade of UDC who worked in that capacity during the life time of her husband and hence her financial status cannot be worse than that of Sri Venkateswara Rao. In my opinion she being a Govt. servant is better placed and hence rejection of her case for compassionate ground appointment cannot be termed as discrimination or without reason.

11. In view of what is stated above, the applicant has not made out any case for granting on compassionate ground appointment to her second. Hence, the OA is dismissed. No costs.


(R. Rangarajan)
Member (Admn.)

Dated : The 17th April 1996.
(Dictated in Open Court)


Arunachalam
P.T.S
DMT

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(cc)

Copy to:-

1. The Scientific Advisor to the Ministry of Defence, Director General Research & Development B Wing, Sena Bhawan, DHQ PO, New Delhi.
2. Director, Ministry of Defence, R&D Organisation, DLRL Chandra-yanagutta, Hyderabad.
3. One copy to Ms. G. Babita Rayudu, 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/-

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M&A)

DATED: 17/4/95

ORDER/JUDGEMENT
M.A. NO/R.A./C.A. NO.

D.A. NO.

IN
1535/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

* * *

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