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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
JAIPUR.

OA No.219/1993

Date of order: 19.10.1995

Narendra Kumar

Applicant

Vs.

Union of India & Ors.

Respondents

Mr.Surendra Singh, counsel for the applicant
Mr.U.D.Sharma, counsel for the respondents

CORAM:

HON'BLE SHRI N.K.VERMA, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI RATTAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI N.K.VERMA, MEMBER (ADMINISTRATIVE))

Heard Shri Surendra Singh and Shri U.D.Sharma, learned counsels for the parties. This is a case for appointment on compassionate ground of a son of a deceased postal official who died on 26.5.1986 while in service. Admittedly, the deceased official left a family of six sons and his widow. Five of his sons were already working while the deceased alive. He left only one son and his wife who were dependent upon him at the time of his death. The applicant made efforts with the employer, the Department of Posts for appointment on compassionate ground because of the indigent condition of the family. The respondent department informed the applicant's mother by Annexure A-1 that the committee appointed to look into such cases did not find her son's application worthy of consideration in view of the fact that five sons were already in service. Hence the OA.

N.K.V.

2. During the arguments Shri Surendra Singh brought to our notice that the five sons serving in various employments were living separately even during the life-time of the deceased and they are not supporting the family at all. In support of this contention he has also annexed with the OA three affidavits from three sons saying that they are no more in a position to support the family.

3. Learned counsel for the respondents Shri Sharma brought to our notice that these very sons were supporting her after the death of the postal official and only now after having made this application for compassionate appointment that they are declining to support the family. In any case only three sons have refused to support the family and the other two have not said anything against this commitment. The widow is in receipt of all the retiral benefits after the death of the deceased official and she is also in receipt of the family pension of more than Rs.700/- which should be enough for a single widow lady to make her both ends meeting. She cannot be considered to be in indigent condition in the prevailing situation of this country. So far as the son is concerned, he was 25 years old at the time of filing of this application in 1993. He must be able to look after himself rather than to be dependent on his widowed mother.

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4. We have given a careful consideration to the averments and arguments of both the parties. There is a catena of Supreme Court judgments which say that compassionate appointment must be given only to those who are really in an indigent condition. Shri Sharma brought to our notice a citation in the case of Umesh Kumar Nagpal Vs. State of Haryana and others, 1994, Supreme Court Cases (L&S) 930, wherein the Hon'ble Apex Court has held that "the whole object of granting compassionate employment is to enable the family to tide over the sudden crisis. It also held that compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over." The Hon'ble Supreme Court in the case of L.I.C. of India Vs. Mrs. A. Ramchandra Ambekar, 1994 (2) SLR 1, in which ~~the Hon'ble Supreme Court~~ has held that "The High Courts and the Administrative Tribunals cannot confer benediction impelled by sympathetic consideration." The Hon'ble Supreme Court summed up the judgment by saying that "for aught one knows,

N. K. Singh

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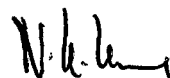
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there may be other cases waiting already for appointment on compassionate grounds, they may be even harder than that of the 2nd respondent."

5. Admittedly, the deceased when he died in 1986 had a number of sons to support his family at the time of his death which they did till this application was made and they are doing it even now. The crisis period is over and the application for compassionate appointment does not deserve any merit consideration at this stage when the competent authority has already decided it on merits. The OA is therefore dismissed without any cost.



(RATTANPRAKASH)
MEMBER (J)



(N.K.VERMA)
MEMBER (A)