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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH: JAIPUR

Date of order : 17.1.1995

OA No. 522/1995

Praveen Jain ... Applicant.

versus ..

Union of India & Ors. ... Respondents.

Mr. P.N. Mathur, Counsel for the applicant.

CORAM:

Hon'ble Mr. N.K. Verma, Administrative Member.

Hon'ble Mr. Rattan Prakash, Judicial Member.

...

PER HON'BLE MR. N.K. VERMA:

Heard learned counsel for the applicant.

2. The applicant is the son of a deceased Telecom employee, N.L. Jain, who died on 3.6.1994 while in service. The deceased left the family of eight, including his wife and four married daughters. The applicant Praveen Jain is 25 years old while his younger brother is doing his higher studies in Engineering College. The widow of the deceased is in receipt of Rs. 2480/- per month as family pension besides having receipt of terminal benefits amounting to Rs. 1,72,277/-. The respondents department rejected the representation dated 26.10.1994 of the applicant vide letter dated 7.9.1995 saying that the High Power Committee which considered his appointment has not found the family indigent condition and keeping in view the financial status

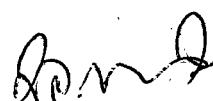
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of the family, the appointment of the applicant in relaxation of normal rules on compassionate ground was not warranted. During the course of arguments, learned counsel for the applicant tried to impress upon us that all the married daughters are staying away from the widow of the deceased and she had to maintain herself and two sons out of meagre amount of Rs. 2,482/- which is received by her as family pension per month. The amount of terminal benefits Rs. 1,73,277/- is the rightful dues of the deceased employee and this cannot be termed as income of the family to take her out of the indigent condition, which is a stipulation for compassionate appointment. Shri Mathur assiduously tried to establish that the family of the deceased continues to be indigent and penurious condition.

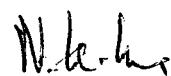
2. We have given adequate considerations to the averments and arguments of the learned counsel for the applicant. The family is in receipt of Rs. 2482/- as family pension besides having receipt of Rs. 1,73,277/- as retiral benefits <sup>been</sup> <sub>cannot</sub> be considered to be <sup>in</sup> indigent condition. The fact that the applicant's sister got married recently and his brother is doing his studies in Engineering would indicate that the family has the means to subsist without an aid of compassionate appointment. There are <sup>several</sup> <sub>catena</sub> of judgements of Hon'ble Supreme Court which sayz that compassionate appointments have to be given only when the family is really <sup>in</sup> indigent condition at the time

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of death of the employee in harness. This is not the case in this OA and we find it difficult to accede to the prayer made by the applicant. The OA is, therefore, dismissed at the stage of admission itself.



(Rattan Prakash)  
Member (J)



( M.K. Verma )  
Member (A)

cvr.