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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

* * *

Date of Decision: 02.7.97

OA 394/96

Navin Kumar son of Late Shri B.M.Arora, resident of C/o M/s Ram Chandra Kulwant Rai Chhabra, Iron Merchant, Chhavi Cinema Road, Suratgarh-335804.

... Applicant

Versus

1. Union of India through the Comptroller & Auditor General of India, Bahadur Shah Zafar Marg, Indraprastha Post Office, New Delhi.
2. The Accountant General (A&E), Indian Audit and Accounts Department, Rajasthan, Bhagwandas Road, Jaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL JFISHUA, VICE CHAIRMAN

For the Applicant ... Mr.Vikram Singh

For the Respondents ... Mr.Zakir Hussain, brief holder for
Mr.M.Rafiq

O-R-D-E-R

PER HON'BLE MR.GOPAL JFISHUA, VICE CHAIRMAN

Applicant, Navin Kumar, in this application u/s 19 of the Administrative Tribunals Act, 1985, has claimed appointment to a post commensurate with his qualifications on compassionate grounds.

2. Heard the learned counsel for the parties. The counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. The applicant's case is that his father, who was Divisional Accountant in the office of the Accountant General (A&E) at Jaipur, died on 15.4.92 while in service at the age of 56 years. Applicant further states that his elder brother is an employee in a Bank but he is living separately from him with his own wife and children. The contention of the applicant is that being unemployed he is unable to support his mother, an unmarried sister, his wife and two children. It is also stated by the applicant that due to financial crises his mother had to sell her house in July, 1995.

4. On the contrary, the respondents have stated that the elder brother of the applicant, Shri Praveen Kumar Arora, is a Bank employee and he is getting salary over Rs.3000/- p.m. from the Bank and that his mother has a house of her own. It is also stated that the applicant's mother also got Rs.1,61,187.00 on account of payment towards DCGI, Group Insurance, Leave Encashment etc. and she is also drawing pension of Rs.900/- p.m. and dearness relief thereon as

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admissible under rules from time to time. It is contended by the respondents that the surviving members of the family were not facing any acute financial crisis after the death of the Government servant.

5. The learned counsel for the applicant has drawn attention to G.I., Dept. of Per. & Trg., O.M.No.14014/14/91-Estt.(D), dated 23.9.1992, para-2 of which reads as follows :-

"2. It is clarified that the intention behind the instructions contained in para.9(d) of this Department's OM, dated 30.6.1987, referred to above is not that application for compassionate appointment should be rejected merely on the ground that the family of the deceased Government servant has received the benefits under the various welfare schemes. While these benefits should be taken into account, the financial condition of the family has to be assessed taking into account its liabilities and all other relevant factors such as the presence of an earning member, size of the family, ages of the children and the essential needs of the family, etc., so that a balanced and objective assessment is made on the financial condition of the family while considering a request for appointment on compassionate ground."

It is borne out by the record that the applicant's case for grant of appointment on compassionate basis was duly considered by the competent authority as per rules and it was not found to be a fit case as the intention to give compassionate appointment in relaxation of normal procedure of recruitment is to enable the surviving members of the deceased employees to tide over the financial crises which they have to face immediately after the death of the Government servant. The elder brother of the applicant is a Bank employee and he is drawing salary over Rs.3000/- per month. At the time of the death of the deceased Government servant the applicant's mother had a house of her own, as disclosed by Ann.R-2. The family of the deceased employee also received Rs.1,61,187.00 on account of payment towards DCRG, Group Insurance, Leave Encashment etc. The applicant's mother was sanctioned a family pension of Rs.900/- per month and dearness relief thereon as admissible under rules from time to time. In view of these facts, it cannot be said that the family of the deceased Government servant is in a penurious condition.

6. In view of the facts stated above, this application has no merit. It is, therefore, dismissed at the stage of admission with no order as to costs.

Gopal Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN