

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of Order 13-4-2000

OA 140/99

Smt. Punita Mittal D/o Late Shri Ashok Kumar and wife of Shri R.K. Mittal, aged 28 years, Resident of 1374/32 Alwar Gate, Ajmer.

.... Applicant

Versus

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. Chief Works Manager, Loco Workshop, Western Railway, Ajmer.

.... Respondents.

Mr. H.O.P. Mathur, Proxv Counsel to
Mr. Sunil Sandariya, Counsel for the applicant.
Mr. S.S. Hassan, Counsel for the respondents.

CO RAM:

Hon'ble Mr. S.K. Agarwal, Member (Judicial)

O R D E R

(PER HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL))

In this Original Application filed u/s 19 of the Administrative Tribunal's Act, applicant makes a prayer to direct the respondents to consider the applicant for appointment on compassionate ground without discriminating her on the ground of sex.

2. In brief, the case of the applicant is that applicant's father, Shri Ashok Kumar Bansal, while working as Chief Metallurgical Superintendent expired on 6.8.98 leaving behind him his widow Smt. Premlata, son Shri Vinod Kumar, daughters Nisha, Nikita and the applicant. It is stated that the applicant is residing and serving her parents sincerely since long because of her brother's ~~different~~ ^{different} out look towards parents. The applicant's mother filed an application on 25.10.98 for considering

the applicant for ~~as~~ appointment on compassionate ground which was rejected vide letter dated 5.2.99 by respondent no. 2 on the ground that the applicant is not dependant of Late Shri Ashok Kumar Bansal and she is married. It is stated that applicant has been residing with her parents even after her marriage and, therefore, there can be no discrimination between son and the married daughter regarding the appointment on compassionate ground.

3. The applicant has filed this OA for the relief as mentioned above.

4. Reply was filed. In the reply, it has been made clear that applicant, Smt. Punita Mittal, is married and not the member of the family of the deceased. Therefore, she is not entitled to be considered for appointment on compassionate grounds.

5. Heard the learned lawyers for the parties for disposal of this OA at the admission stage and also perused the whole record.

6. It is an admitted fact that applicant was married before the death of deceased employee, Shri Ashok Kumar Bansal. According to the instructions issued from time to time by Government of India (Master Circular), it has been abundantly clear that married daughters are not entitled to be considered for appointment on compassionate grounds as they are not the members of the deceased employee's family.

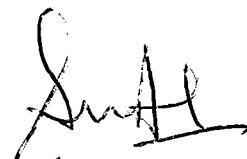
7. On the basis of the averments made by the parties in the pleadings, it is also not clear that any indigent circumstances is existing in the family of the deceased employee due to sudden demise of the bread-earner. Therefore, in my considered opinion, the applicant failed to establish any case in her favour for giving direction to

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consider her for the appointment on compassionate grounds.
Therefore, this OA fails having no merits.

8. I, therefore, dismiss this OA at this stage of
admission having no merits.

9. No order as to costs.



(S.K. Agarwal)
Member (J)