

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 25.9.2001

OA No.196/2000

Umardeen s/o late Shri Barkat Ali, r/o Bana Colony, Nahri
Ka Naka, Kachi Basti, Shastri, Nagar, Jaipur.

...Applicant

Versus

1. Union of India through the Secretary, Ministry
of Mines, Shastri Bhawan, New Delhi.
3. The Director General, Geological Survey of
India, 27, Chowringi Lane, Calcutta.
3. The Deputy Director General, Geological Survey
of India (WR), Jhalana Dungri, Jaipur.

.. Respondents

Mr. Anil Mohta, counsel for the applicant

Mr. T.P.Sharma, counsel for the respondents

CORAM:

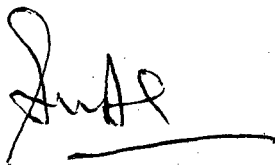
Hon'ble Mr.S.F.Agarwal, Judicial Member

ORDER

Per Hon'ble Mr. S.F.Agarwal, Judicial Member

In this Original Application filed under
Section 19 of the Administrative Tribunals Act, 1985,
applicant makes a prayer to direct the respondents to
consider the applicant for appointment on compassionate
grounds according to his qualification.

2. In brief, the case of the applicant is that he
is the son of late Shri Barkat Ali, who was employed on
the post of Darban in the Geological Survey of India,
Western Region, Jaipur. It is stated that Shri Barkat Ali
died on 13.12.1998 leaving behind his widow, two unmarried

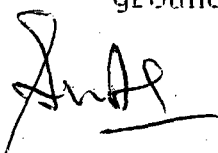


daughters and the applicant (son). It is stated that except the deceased there was no earning member in the family. Therefore, due to death of the earning member i.e. Shri Barkat Ali, the applicant and his family are facing financial crisis. It is also stated that the applicant has submitted application to the authorities for employment on compassionate grounds, but nothing was done. Therefore, he has filed this application for the reliefs as above.

3. Reply was filed. In the reply it is stated that there was a discrepancy in the details submitted by the applicant to the department. It is also stated that widow of the deceased Shri Barkat Ali, Smt. Noor Bano has been paid a total of Rs. 1,58,312 as pensionary benefits and she is also getting monthly pension of Rs. 1570/- per month and, therefore, no indigent circumstances exist in the family of the deceased employee and applicant thus having no cause.

4. Rejoinder has been filed stating that for redressal of his grievance, the applicant has filed so many representations, but with no result. It is also emphasised again that there was nobody in the family of the deceased except the applicant, who can earn and maintain the family. Therefore, it is stated that indigent circumstances still exist in the family.

5. In catena of cases, Hon'ble the Supreme Court has been of the view that while considering the candidature of applicant for appointment on compassionate grounds, the department must examine the financial status



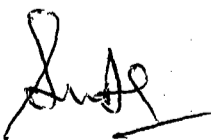
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and position as to whether the family of the deceased employee needs any help to survive or their exist any indigent circumstances in the family of the deceased employee who was only the bread earner of the family.

6. In Umesh Kumar Nagpal v. State of Haryana, (1994) 4 SCC 138, a Bench of two Judges has pointed out that the whole object of granting compassionate appointment 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 held by the deceased.

7. In Jagdish Prasad v. State of Bihar, (1996) 1 SCC 301, Hon'ble the Supreme Court has observed that the very object of appointment of a dependent of the deceased employee who dies in harness is to relieve unexpected immediate hardship and distressed caused to the family.

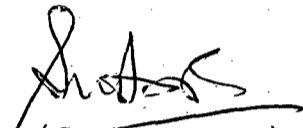
8. A perusal of the averments made by the parties, it appears that widow of the deceased Smt. Noor Banu was paid Rs. 1,58,312/- as pensionary benefits for which a explanation is given that this amount has already been spent in payment of the debt of the deceased Shri Barkat Ali and from the averments of the parties it also appears that the deceased Shri Barkat Ali left behind him his widow, two unmarried daughters and the applicant. It further appears that there is no other source of income with the family of the deceased Shri Barkat Ali. Therefore, in the facts and circumstances which have been presented before this Tribunal by way of pleadings, I am of the considered opinion that indigent circumstances



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still exist in the family of the deceased and applicant is entitled to be considered for appointment on compassionate grounds on any suitable post.

9. I, therefore, allow this OA and direct the respondents to consider the applicant for appointment on compassionate grounds on any suitable post within three months from the date of receipt of copy of this order. No order as to costs.


(S.K. AGARWAL)

Judl. Member