

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 27/3/2002

OA 140/2002

Umardeen s/o Late Shri Barkat Ali r/o Rana Colony, Nahri ka Naka, Shastri Nagar, Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Mines, Shastri Bhawan, New Delhi.
2. Director General, Geological Survey of India, 27, Chowrangi Lane, Calcutta.
3. Dy. Director General, Geological Survey of India (Western Region), Jhalana Doongri, Jaipur.

... Respondents

CORAM:

HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

For the Applicant ... Mr.Dinesh Yadav

For the Respondents ...

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

This is an application arising out of rejection of request of the applicant for appointment on compassionate grounds. The applicant had earlier filed an OA No.196/2000 for the same relief and the said OA came to be disposed of by this Bench vide order dated 25.9.2001 directing the respondents to consider the applicant for appointment on compassionate grounds on any suitable post within three months. In pursuance of this order, the case of the applicant was considered and vide Office Order dated 26.12.2001 (Ann.A/1) his request for appointment on compassionate grounds was rejected. Aggrieved with this order, he has filed this OA.



2. Heard the learned counsel for the applicant. Plea of the learned counsel is that the department has not given due cognizance to the orders of this Tribunal and has not gone behind the spirit of the order. The request for appointment has been denied on the ground that the mother of the applicant, Smt. Noor Bano, widow of late Shri Barkat Ali, was having a separate ration card and the applicant was having a separate ration card and thus they constitute two families. Because of this reason, the applicant cannot be considered eligible for appointment. The learned counsel for the applicant assailed the action of the respondents based on this fact of two different ration cards. He contended that the two ration cards do not automatically mean that the widow of late Shri Barkat Ali is not dependant on the applicant. The purpose of the ration card is to get more ration for the poor family.

3. I am not convinced with this argument of the learned counsel that two ration cards would not mean two different families and that the applicant would still continue to be treated as a dependant of the late employee. There cannot be a question of two different ration cards for one family. Thus, the plea of the learned counsel that the applicant and his mother are to be considered as one unit of a family for the purpose of considering the dependancy of the applicant is not based on sound reasoning. Further, the need for the separate ration card is because the applicant has his own family and he is a married person. Another question which comes for my consideration is whether a

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married son can be considered as a dependant because the appointment on compassionate grounds can only be considered in favour of a dependant of the ex-employee. There can be no doubt on this point that a married son cannot be considered as a dependant of his father. If there was any clarifications required, the same is contained in Government of India, Department of Pension & Pension Welfare, O.M. No.45/51/97-P&PW (E) dated 21.7.99. Under this OM clarification has been given regarding family pension to parents, sons and daughters. In para-1(iv) it has been prescribed, as follows :

"Payment of family pension is to be discontinued in the event of eligible sons/daughters getting married or on their earning a monthly income exceeding Rs.2550/- or on attaining the age of 25 years, whichever is earlier."

4. Clear meaning of this OM is that once the son gets married, he remains no more entitled to receive family pension. Obviously, this is so because the married son is not considered as a dependant of the ex-employee. This Bench and the Bench of Jodhpur have been taking this consistent position that a married son cannot be considered as a dependant of the ex-employee and thus is not entitled to be appointed on compassionate grounds.

5. In the background as above, I do not see any merit in this case and this OA is dismissed in limine.


(A.P. NAGRATH)
MEMBER (A)