

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH

OA No.751/2003

Dated this the 29<sup>th</sup> day of July 2004.

CORAM

Hon'ble Mr.M.P.Singh, Vice Chairman  
Hon'ble Mr.Madan Mohan, Judicial Member

1. Parvati Bai  
W/o Late S.L.Yadav  
Yadav Mohalla  
Neemuch city  
Neemuch (MP)

2. Santosh Kumar Yadav  
S/o Late S.L.Yadav  
Yadav Mohalla  
Neemuch city  
Neemuch (MP)

...Applicants

(By advocate Mr.D.M.Kulkarni)

Versus

1. Union of India through  
The Secretary  
Ministry of Finance  
Department of Revenue & Company Affairs  
North Block, New Delhi.

2. The Narcotics Commissioner of India  
19, The Mall, Morar  
Gwalior.

3. Deputy Narcotics Commissioner  
Neemuch (MP)

...Respondents

(By advocate Mr.Umesh Gajankush)

O R D E R

By Madan Mohan, Judicial Member

The applicants seek a direction to appoint the first applicant as LDC on compassionate grounds against one of the existing vacancies.

2. Brief facts of the OA are as follows:

The ~~husband~~ of applicant No.1 Shaker Lal Yadav was working as UDC in the Central Bureau of Narcotics in MP Unit at Neemuch. He died in harness on 4.7.97 leaving his family members in distress. His son, Santhosh Kumar Yadav, having education qualification and within the age applied for appointment on compassionate grounds in the prescribed



proforma (Annexure A4). Respondent No.3 informed the second applicant vide letter dated 11.3.98 that Santhosh Kumar was not entitled for appointment on compassionate grounds. The Chairman, Central Board of Excise & Customs, New Delhi was again requested by applicant No.1 vide application dated 31.3.98 (Annexure A-7) for employment on compassionate grounds to her son, the second applicant. It was again rejected. Hence the OA was filed.

3. Heard the learned counsel for both parties. It was argued on behalf of the applicant that applicant No.1's elder son Govind Singh was not educationally qualified and working as labour, living separately and maintaining his own family members. The applicants belong to SC community and there is no other source of income except a basic family pension of Rs.2250 per month and the said basic pension would soon be reduced to Rs.1530 per month and it would be difficult to maintain the family with the meagre pension.

4. In reply the learned counsel for the respondents argued that the first applicant's elder son Govind Singh was employed in a motor vehicle factory and earning Rs.1500 per month. The case of applicant No.2 was referred to Ministry on 28.11.97 and he was found not fit for employment under compassionate grounds. It was not correct that Govind Singh was living separately and maintaining his own family. There is no post available for making appointment on compassionate grounds against the existing limit of 5% quota. The applicants had received as pensionary benefits Rs.77,785 as gratuity, Rs. 14843 as GPF, Rs.840 as family pension, Rs. 38,750 as CGEGIS and Rs. 8359 as leave encashment. The applicants cannot claim compassionate appointment as a matter of right and hence the OA deserves to be dismissed.

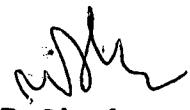


5. After hearing the learned counsel on both sides, and perusing the records carefully, we are of the opinion that the amount of monthly pension of Rs.840 seems to be not sufficient to maintain a family. The applicants have been continuously approaching the authorities for compassionate appointment. The respondents have not proved that the family possess immovable property. So far as the elder son is concerned, he is working as a labour in a motor vehicle factory as admitted by the respondents. He is maintaining his own family and is not supporting the applicants.

6. Considering the above facts and circumstances, we direct the applicants to submit a fresh application within one month for employment on compassionate appointment. If the applicants comply with that, the respondents are directed to reconsider the applicants' request within a period of three months as per rules.

7. The OA is allowed.

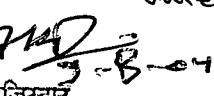
  
Madan Mohan  
Judicial Member

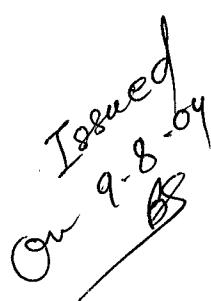
  
M.P. Singh  
Vice Chairman

aa.

पृष्ठांकन सं. ओ/वा....., जवलपुर, दि.....  
पत्रिलिपि अन्वेषित:-

- (1) समिद, उच्च व्यापारिय तात्र एसोसिएशन, जवलपुर
- (2) अवेदन श्री/प्रीति/मु. .... के काउंसल D M McLean
- (3) पत्त्वथी श्री/प्रीति/मु. .... के काउंसल Virendra Chaitanya
- (4) देवगांव, कोपारा, जवलपुर व्यापारी देवु

  
उपर रजिस्ट्रार

  
Issued  
On 9-8-04  
On 9-8-04