

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 771 of 2003

Jabalpur, this the 7<sup>th</sup> day of May, 2004

Hon'ble Shri Madan Mohan, Judicial Member

1. Smt. Dushantala Sontakey, aged about 53 years, W/o. Late Shri Pyarelal Sontakey, R/o. H. No. 29, Chayan Colony, Dr. Ramdayal Estate, Jamani Road, Old Itarsi, District Hoshangabad (MP).
2. Tapan Kumar Sontakey, aged about 22 years, S/o. Late Shri Pyarelal Sontakey, R/o. H. No. 29, Chayan Colony, Dr. Ramdayal Estate, Jamani Road, Old Itarsi, District : Hoshangabad (MP).

... Applicants

(By Advocate - Shri M.K. Verma)

V e r s u s

1. Union of India, through Comptroller General of Defence Account, New Delhi.
2. Principal, Comptroller of Accounts Ordinance Factory, Calcutta.
3. Comptroller of Defence Accounts, Ordinance Factory, Jabalpur (MP).
4. Local Accounts Officer, Ordinance Factory, Itarsi (MP).

... Respondents

(By Advocate - Shri P. Shankaran)

O R D E R

By filing this Original Application the applicant has sought the following main reliefs :


"8.1 to direct the respondent authorities to grant compassionate appointment in favour of the applicant No. 2 in the interest of justice.

8.2 to hold the action on part of respondent authorities is bad in the eyes of law."

2. The brief facts of the case are that the husband of the applicant No. 1 late Shri Pyarelal Sontakey joined the services of the Department on 9.12.1968 on the post of Accountant and he died during harness on 26.5.1997. He left behind him the applicant No. 1 i.e. the widow and two sons




and one daughter. The applicant No. 1 is suffering from one type of cancer and she has to under go Blood transfusion every fifteen days which costs her Rs. 4,000/- every Blood transfusion and she take medicines of amounting Rs. 1,500/- to 2,000/- per month. Thus she spend an amount of Rs. 10,000/- per month for her treatment. The most of the amount received after death of her husband was consumed in her medical treatment as she was being paid a pension of Rs. 2,670/- per month which is a negligent amount in front of the huge medical expenses excluding the expenses incurred on her food and maintenance of her unmarried daughter and unemployed son applicant No. 2. The applicant No. 1 is receiving a pension of Rs. 5,040/- at present and this amount is also a meagre amount in front of the expenditure on the medical treatment. The family of the applicant No. 1 is facing acute hardship and is on the verge of borrowing money from money lenders on a higher rate of interest which is detrimental <sup>to</sup> ~~the~~ prestige and self respect of the entire family. The elder son of the applicant No. 1 has done inter-cast marriage and has separated from the family and therefore <sup>and</sup> ~~therefore~~ has no connection with the family <sup>and</sup> ~~he~~ lives in Rajgarh and keeps no relations with the family. The applicant has submitted various representations to the respondent authorities to grant appointment in favour of applicant No. 2 stating her status of ailment and requirement of money for treatment of Blood cancer and marriage of unmarried young daughter. For further treatment of the applicant No. 1 the approximate expenses would occur Rs. 2,50,000/- to Rs. 3,00,000/-. But the respondents have not considered the case of the applicants and have casually rejected the representation of the applicants vide their orders dated 12.10.1998 and 12.2.1999. Aggrieved by this the applicants have filed this Original Application claiming the aforesaid reliefs.



3. Heard the learned counsel for the parties and perused the records carefully.

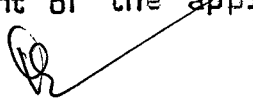
4. The learned counsel for the applicant has argued that the applicant No. 1 is suffering from one type of cancer in which she has to spent an amount of Rs. 10,000/- per month on account of her treatment only and she is also advised for a treatment of two to three months having expenses of approximate Rs. 2,50,000/- to 3,00,000/-. After death of her husband she should not be left uncared by the respondents considering the physical condition of the applicant No. 1. The elder son of the applicant No. 1 is not supporting the applicants. He is residing separately and he has no connection with the family of the applicants and also keeps not relations with the family. Hence appointment of the applicant No. 2 on compassionate ground is utmost necessary in the acute circumstances of the family of the applicants. But the respondents have rejected the genuine claim of the applicant.

5. In reply the learned counsel for the respondents argued that the elder son of the applicant No. 1 is already in service as Sales Tax Officer under the Government of Madhya Pradesh. After death of the employee, the respondents disbursed a sum of Rs. 3,63,780/- as terminal benefits to the family. The widow is also receiving a monthly pension of Rs. 2,670/- plus dearness relief with the pension as applicable from time to time. He further argued that this Original Application is time barred also. He has drawn my attention towards the scheme for compassionate appointment 1998 under the Central Government issued by the Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, wherein it is provided that the object of the scheme is to grant



appointment on compassionate grounds to a dependant family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency. This is not the case of the applicants as the elder son of the applicant No. 1 is already employed in Madhya Pradesh Government as a Sales Tax Officer and an amount of Rs. 3,63,780/- has been paid as terminal benefits to the family and the widow is also receiving a monthly family pension of Rs. 2,670/-.

6. I have given careful consideration to the rival contentions made on behalf of the parties and I find that the elder son of the applicant No. 1 is already employed as a Sales Tax Officer in the Government of Madhya Pradesh. Secondly an amount of Rs. 3,63,780/- has been paid to the family as terminal benefits by the respondents and the applicant No. 1 is receiving a pension of Rs. 5,040/- at present after the death of the deceased Government servant as is mentioned in the OA itself. The argument raised on behalf of the applicant that the elder son of the applicant No. 1 is not supporting the family and he has no connection and is living separately is their personal matter. So far as the medical treatment of the applicant No. 1 is concerned it was argued on behalf of the applicants that an amount of Rs. 10,000/- per month is spend for her treatment and for further treatment of the applicant No. 1 an approximate expenses of Rs. 2,50,000/- to Rs. 3,00,000/- would incur as per the advise of the experts. Regarding this the argument raised on behalf of the respondents is that the respondents are not liable to provide such huge amount on medical treatment of the applicant No. 1 and it



is also not permissible under any rules. Hence coming to the conclusion I find that the elder son of the applicant No. 1 is working as Sales Tax Officer in the Government of Madhya Pradesh, an amount of Rs. 3,63,780/- has been paid to the family of the deceased Government servant as terminal benefits and the widow is also receiving a monthly family pension of Rs. 5,040/- at present as stated in the OA. Hence the family of the deceased Government is not facing any financial destitution and it is <sup>na</sup> settled legal ground is proposition that appointment on compassionate not a matter of right. Thus the impugned order passed by the respondents seems to be justified and does not need any interference.

7. Accordingly, I find that the applicants have failed to prove their case. Hence the Original Application is dismissed. No costs.

(Madan Mohan)  
Judicial Member

"SA"

Accepted  
on  
19-5-04

पृष्ठांकन सं ओ/व्या.....जबलपुर, दि.....  
प्रतिनिधि: उपस्थित:-  
(1) सचिव, न्यायिक प्रशासन, जबलपुर  
(2) आवेदन सं/दिनांक/.....के माध्यम से  
(3) सचिव, न्यायिक प्रशासन, जबलपुर  
(4) कार्यपाल, संतान, न्यायिक प्रशासन  
सूचना एवं आवश्यक कार्रवाई हेतु

MR Verma  
P. Shankara

19-5-04