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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 413/2003

This the 15<sup>th</sup> day of September, 2003

Hon'ble Shri Shanker Raju, Member (J)

1. Smt. Sushila Devi  
w/o Late Shri Bhanwar Pal Singh  
r/o 48-A, LIG DDA Flats  
Opposit Press Colony, Mayapuri  
New Delhi-64

2. Shri Manoj Kumar  
s/o Late Shri Bhanwar Pal Singh  
r/o 48-A, LIG DDA Flats  
Opposit Press Colony, Mayapuri  
New Delhi-64

..Applicants

(By Advocate: None even on the second call)

Versus

1. Union of India  
Ministry of Urban Affairs & Employment,  
Govt. of India,  
New Delhi  
(Through its Secretary)

2. The Directorate of Printing  
Ministry of Urban Affairs & Employment,  
Govt. of India,  
New Delhi  
(Through its Secretary)

3. The Govt. of India Press  
Ring Road, Mayapuri  
New Delhi-64  
(Through its Manager)

..Respondents

(By Advocate: Shri R.N.Singh)

O R D E R (ORAL)

Denial of compassionate appointment by an impugned order dated 7.1.2002 issued by the respondents is assailed.

2. Compassionate appointment of applicant No.2 has been sought.

3. Applicant No.2 (Shri Manoj Kumar) is the son of deceased Government servant (Shri Bhanwar Pal Singh) who,

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after rendering 28 years of service, died in harness. An amount of Rs.188297/- was paid as terminal benefits and a family pension of Rs.1938/- plus DA has been sanctioned. Deceased Government servant's family consists of widow, three sons and one daughter. Two elder sons are married and living separately. Applicant No.1 made a request for appointment of her son on compassionate appointment. In pursuance thereof, Shri Manoj Kumar - applicant No.2 - was interviewed on 26.12.2000, as he had already completed three years of Apprenticeship course from the Govt. of India Press for Offset Machine Assistant. He appeared in the exam and trade test in the Month of November, 2000 but was not selected.

4. Request of the applicant No.1 for compassionate appointment was rejected giving rise to the present application.

5. None appears on behalf of the applicants today even on the second call. Therefore, OA is disposed of in terms of Rule 15 of C.A.T. (Procedure) Rules, 1987.

6. Placing reliance on the decisions of the Apex Court in Smt. Phoolwati v. Union of India & ors., AIR 1991 SC 469 as well as in Balbir Kaur v. Steel Authority of India, AIR 2000 SC 1956, it is stated in the OA that the amount paid as terminal benefits as well as family pension cannot be the lone criteria or deciding factor of indigent situation of the family. The aforesaid amount to a family cannot be sustained, despite the poverty line arrived at by the Planning Commission of Rs. 1767.20 of

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a family of five members. It is stated that denial of appointment is unfair, discriminatory, arbitrary and is against the scheme.

7. On the other hand, respondents learned counsel Shri R.N.Singh vehemently opposed the contentions of the applicants and by placing reliance on the following decisions contended that the compassionate appointment cannot be claimed as of right. The applicant's case was duly considered and as the deceased servant's family was given the terminal benefits and family pension, which is above the poverty line as recommended by the Planning Commission, the application once considered cannot be found fault with. It is in this conspectus stated that balancing on the factors and on an objective assessment, it was found that two of the sons are married and living separately, and with the means provided to the applicant the family does not come within the ambit of indigent family to be accorded compassionate appointment.

- i) Umesh Kumar Nagpal v. State of Haryana & others, 11 1994 (3) SC 525
- ii) Haryana State Electricity Board & another v. Hakim Singh, 1999 (1) SLJ 114 SC.

8. Shri R.N.Singh placing reliance on a decision of the High Court in Veer Mohd. v. M.C.D., 95 (2002) DLT 663 (DB) contends that the object of compassionate appointment is when the family is in penury, to tide over sudden crises, compassionate appointment is accorded. There is no statutory or fundamental right to claim employment on compassionate grounds. As the case of



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applicant No.2 has already been considered and found not deserving, they have no right for appointment on compassion grounds.

9. I have carefully considered the rival contentions of the parties and have perused the material placed on record. The only right available in law is for consideration of compassionate appointment. It is neither a lien nor a line of succession. Those cases where the family found to be in indigent circumstances and in dire need of financial assistance, to tide over the crises, compassionate appointment is accorded and that too subject to the scheme of the DoP&T of 1998 as well as against 5% posts in the direct recruitment quota meant for compassionate appointment.

10. I have carefully considered the grounds on which the claim of the applicant was rejected. It is not disputed that the claim of the applicant was duly considered but as the family had lesser liabilities and had been receiving terminal benefits and family pension, the aforesaid benefits do not bring the family below the poverty line as recommended by the Planning Commission for a family of five members. Though without adhering to the sole criteria of terminal benefits as more deserving cases are in existence, the rejection of the request of the applicant after due consideration cannot be found fault with. The compassionate appointment cannot be claimed as an alternate mode of Government service. Applicant even after having an apprentice training could not qualify for compassionate appointment and even after participating in the trade test now cannot resort to this

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mode of appointment to gain entry in service. The decision in Balbir Kaur's case (supra) cannot of universal application. The same is restricted to <sup>u</sup>SAIL where there was a scheme of terminal benefits in case of death of an employee.

11. In these circumstances, I do not find any infirmity in the order passed by the respondents. OA is accordingly dismissed.

S. Raju  
(Shanker Raju)  
Member (J)

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