

Smt. Phoolwati vs Union Of India & Ors. on 5 December, 1990

Equivalent citations: AIR1991SC469, 1991SUPP(2)SCC689, AIR 1991 SUPREME COURT 469, 1991 AIR SCW 73, 1991 LAB. I. C. 392, 1991 (2) SCC(SUPP) 689, (1990) EASTCRIC 531, (1991) 1 BLJ 266, 1992 SCC (L&S) 135, (1991) 1 PAT LJR 76, (1991) 17 ATC 937

Bench: B.C. Ray, K. Jagannatha Shetty Shetty, J.S. Verma

ORDER

1. Special leave granted.

2. This special Leave Petition has been filed against the judgment and order made by the Tribunal on 8-6-90 whereby the prayer for interim relief of allowing the appellant, who is none other than the wife of deceased husband Ram Krishan Lal who was employed in the Government of India Printing Press, died in harness to employ her second son in the said Printing Press and to allow her to live in the same quarter where her husband lived as an employee of the printing press. This lady, along with her three children has been residing in that quarter after the death of her husband, which occurred on 25-3-89. The Government tried to evict her from the said quarter in spite of repeated requests made by the lady to allow her to stay in the quarter on realising the reasonable rent from her. She also paid the rent as assessed during the period of her stay there. The Tribunal, however, dismissed her application on the ground that her husband died about a year ago and she cannot retain the quarter which was allotted to her husband while in service. The appellant approached this Court by a Special Leave Petition praying for permitting her 'to stay in the quarter as well as to employ one of her three sons, specially, the second son who is literate, in the said printing press according to his qualification.

3. This Court issued a notice on 23-10-90 and also directed that pending decision of this application she be permitted to continue her stay with her sons in the said quarter. The State has filed an affidavit stating that the appellant received an amount of Rs. 21,700/- as DCR Gratuity. She also received CGE Insurance amounting to Rs. 10,926/- and GPF amounting to Rs. 1717; of her deceased husband. She is also getting a Family Pension of Rs. 390 - per month, and as such, she cannot continue to stay in the quarter. This Court repeatedly requested the learned Counsel appearing on behalf of Union of India to consider the provisions that when an employee dies in harness, one of his legal representatives will be provided with an employment on compassionate ground. In spite of time being given repeatedly by this Court to consider this aspect of the matter and to take necessary instructions from Union of India, the counsel states before this Court that he has been instructed by the Government of India that it is not possible to provide her second son with an employment in the said press where her husband was previously employed. In a similar case, Smt. Sushma Gosain v. Union of India, Court has held as under at page 1977 of AIR :

It can be stated unequivocally that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for years. If there is no suitable post for appointment supernumerary post should be created to accommodate the applicant.

Accordingly, we direct the Union of India to take immediate steps for employing the second son of the appellant in a suitable post commensurate with his educational qualification within a period of one month from the date of this order. The appellant shall be permitted to stay in the said quarter where she is at present residing with the members of her family. The appellant will, however, withdraw her application filed before the Tribunal. The appeal is thus allowed. There will be no order as to costs.