

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O. A. NO. 240/94

New Delhi this the 29th day of July, 1994

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Arun Dosaj S/O Late A. S. Dosaj,
R/O A-13, Nav Rachna Apartments,
East Arjun Nagar, Shahdara,
Delhi - 92.

... Applicant

By Advocate Shri D. R. Gupta

Versus

1. Union of India through
Secretary, Ministry of
Urban Development,
Nirman Bhawan, New Delhi.

2. Director of Printing,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.

3. Manager,
Govt. of India Press,
Minto Road, New Delhi.

... Respondents

By Sr. Advocate Shri P. H. Ramchandani

O R D E R

In this application, Shri Arun Dosaj has prayed for compassionate appointment, consequent to the demise of his father, Shri A. S. Dosaj, Assistant Manager (Tech) Government of India Press, Minto Road, New Delhi, on 21.12.1990 while in harness.

2. Admittedly, the late Shri A. S. Dosaj left behind his wife, two sons and one daughter. Admittedly also, the family received terminal benefits amounting to Rs.2,13,000/- and the wife of the deceased employee is receiving family pension of Rs.1,200/- per month plus D.A. It is also admitted that the family of the deceased employee have their own flat.

3. Shri D. R. Gupta, learned counsel for the applicant, however, states that out of the terminal benefits received, the family have been left only with Rs.50,000/-, and the balance had to be paid out on account of various debts that the family had incurred including house building advance etc.

4. The respondents in their counter state that the applicant's case has been very carefully considered by them and after taking into consideration the totality of the facts and circumstances and also the financial status of the applicant vis-a-vis other more deserving cases, they did not find it possible to agree with the same and successive representations of the applicant have been rejected. In this connection, reference has been invited to the Tribunal's judgment dated 4.2.1992 in 15 O.A.s, wherein the respondents had been directed to prepare a scheme on all-India basis to give relief in such cases to deserving persons. For this purpose all the 23 Presses located in different parts of the country were to be treated as a 'single unit' for the purpose of making compassionate appointments and in order to give immediate relief, the respondents were called upon to reduce the direct recruitment quota. While preparing the scheme the respondents were further directed to give priority to more deserving cases than others having regard to the size of the family, the circumstances in which the Government servant died, the level of the post which he held and similar other circumstances.

5. From the foregoing, it is clear that the case of the applicant was considered by the respondents, but they did not find any justification in singling him out so as to supersede the claims of more deserving persons who had applied earlier and whose cases are pending in their turn for appointment on compassionate grounds, and their requests are listed in the panel of more than 149 cases prepared on the basis of the Tribunal's judgment dated 4.2.1992.

6. As the respondents have made an honest attempt to consider the applicant's case, but found there is no justification for his case to supersede the claims of other more deserving than him, no direction in the nature of a mandamus to the respondents to grant compassionate appointment to the applicant would be warranted. However, during the course of arguments, learned counsel for the applicant very fairly conceded that the applicant was willing to take his chance for employment in accordance with merit and the relevant rules, provided the requirement of being sponsored by the employment exchange was dispensed with, because at this stage sponsorship from the employment exchange would only result in further delay. Having regard to this submission of the applicant's counsel, I leave it open to the respondents to consider the applicant's case for appointment to a suitable post, along with others, in accordance with the rules governing recruitment to such post, provided the applicant can at least produce the evidence of having registered himself in the local employment exchange.

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7. This application is disposed of accordingly.
There shall be no orders as to costs.

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(S. R. Adige)
Member (A)

/as/