

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 97/90
T.A. No.

199

DATE OF DECISION 9.10.1990.

Shri Muni Raj	Petitioner Applicant
Shri O.P. Sharma,	Advocate for the Petitioner(s) Applicant
Versus	
Union of India through the Ministry of Defence & Another	Respondent
Shri P.H. Ramchandani	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

This application relates to the grievance of the applicant who ~~was~~ ^{not a} appointed as a Sweeper in the Ministry of Defence on compassionate grounds. The applicant belongs to the Scheduled Caste community. His father died in harness on 25.9.1988. The respondents, vide their letter dated 30.9.1988, expressed sorrow and assured necessary assistance to the applicant. He applied for employment on compassionate grounds in August, 1989. The respondents called him to appear before them on 8.12.1988 with the necessary documents. He did so. However, the respondents have not appointed him as a Sweeper, as per his request. They have not disclosed to him in their letter dated 4.12.1989 the reasons for rejection of his application.

2. The respondents have stated in their counter-affidavit that the decision was taken by them not to appoint the applicant on compassionate grounds after careful consideration of his case. According to them, a Board of four officers considered the matter and recommended rejection of his request on the following grounds:-

- (i) That he was illiterate and was 22 years of age;
- (ii) that his elder brother was already earning; and
- (iii) that they had no liabilities in the family.

3. The respondents have also stated that the dependents of the deceased employee were paid Rs.35,650 as terminal benefits.

4. We have carefully gone through the records of the case and have considered the rival contentions. In our opinion, the grounds adduced by the respondents for rejecting the request made by the applicant are not valid or convincing. The applicant's father was also illiterate and was working as a Sweeper. No minimum educational qualifications are required for appointment of a person as a Sweeper. The fact that the applicant is an illiterate person, should have weighed in his favour and not against him. Added to this, he also belongs to the Scheduled Caste community.

5. There is nothing on record to indicate that the applicant and his elder brother are living together. His elder brother is a married person with a family of his own. It is not reasonable to assume ^{even in} ~~necessarily~~ in Indian conditions that the elder brother will/continue to support his younger

brother for the rest of his life time. During the hearing, the learned counsel for the applicant stated that the elder brother is also working as a Sweeper in a Government office.

6. The fact that the dependents have been paid a sum of Rs.35,650/-, will not also weaken the case of the applicant. If the amount is to be divided among the three legal heirs left behind by the deceased employee (the applicant's married brother, his married sister, and he himself), the amount falling to the share of the applicant will be only one-third, which will work out to less than Rs.12000/-. It will not, therefore, be proper to consider that the applicant does not deserve appointment on compassionate grounds.

7. This is not a case in which the respondents have rejected the request on the ground that there are no vacancies in their office. In the facts and circumstances of the case, we are of the opinion that this is evidently a deserving case in which the respondents ought to have appointed the applicant as a Sweeper/Casual Labourer on compassionate grounds. We, therefore, set aside and quash the impugned order dated 4.12.1989 and direct the respondents to appoint the applicant as a Sweeper/Casual Labourer in their office within a period of one month from the date of receipt of this order.

The parties will bear their own costs.

D. K. Chakravorty
(D. K. Chakravorty)
Administrative Member
9/X/1990

P. K. Kartha
9/10/90
(P. K. Kartha)
Vice-Chairman (Judl.)