

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

T.A.No. 42 of 1987

Pran Nath Goswami Applicant

Versus

The Union of India & others..... Respondents.

Hon'ble S. Zaheer Hasan-VC
Hon'ble D. S. Misra - AM

This Civil Misc. Writ Petition no.9699 of 1986 has been transferred to this Tribunal under section 29 of the Administrative Tribunal Act No.XIII of 1985. Sri D.N.Goswami, Staff Artist died on 16.12.84 while in harness. His son Pran Nath Goswami applied for his appointment on compassionate grounds, but the department rejected the same. So he filed the present writ petition. The applicant's mother is dead. The petitioner's one brother is employed in U.P. Government as Clerk and he is living separately from the applicant. The applicant has to maintain his other brother ~~s~~ and two sisters. There is nothing to suggest that elder brother employed in U.P. Government, is supporting the applicant and other members of the family. On the contrary, it is alleged that he is living separately. The applicant has to maintain his one brother and two unmarried sisters. It might ~~bring~~ ^{face} some problems to get two sisters married ~~in~~ ^{with} such meagre income of the applicant. The appointment of a son of the deceased can be made

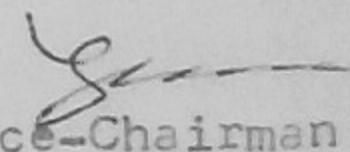
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on compassionate grounds even if some other member of the family is employed in government service specially when other member is not maintaining the other members of the family. The prayer for appointment on compassionate grounds cannot be rejected because the employee was given extension. So, in view of the facts mentioned above, the prayer for appointment on compassionate grounds was not rejected rightly. The applicant is a graduate. He may move a formal application for appointment on compassionate grounds giving an undertaking that he will maintain his remaining members of the family. The respondents are directed to give suitable job on compassionate grounds keeping in view his eligibility, in case, there is a vacancy or whenever it occurs. In case of ~~his~~ being over age, the powers of relaxation ~~and~~ upper age be exercised. With these observations, the application is disposed of with costs on parties.

Bham
26.2.88

Member (A)


Vice-Chairman

Dated: 26.2.1988/
Shahid.